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Current Topics.

Divorce Causes at Assizes.

THE DRAFT RULES for the Trial of Matrimonial Causes at Assizes which we printed recently (*ante*, p. 560) have now been issued as final Rules. So far as we notice, there is no change. They are to be known as the Rules of the Supreme Court (No. 3), 1922, and come into operation on the 24th inst., but no matrimonial cause is to be heard or tried at Assizes before 12th October next. An Order has also been issued and is printed elsewhere prescribing the classes of matrimonial causes which may be heard by a Commissioner of Assize. They are (a) undefended causes; and (b) Poor Persons' causes.

Trial by Jury.

ATTENTION has been called in the Court of Appeal recently to the withdrawal by s. 2 of the Administration of Justice Act, 1920, of the right to trial by jury, and this interference with the mode of trying common law actions which has prevailed for centuries has been judicially criticized; questions have been asked in the House of Commons to which the Attorney-General has replied that the whole matter is at present under the consideration of the Rule Committee; and Mr. MACQUISTEN has introduced a Bill to repeal the section. The section, it may be noticed, only provides that where, in the opinion of the court or a judge—i.e., of a master, subject to appeal—the action cannot as conveniently be tried with a jury as without a jury, then a trial without a jury may be ordered; but the consent of both parties is necessary in cases of fraud, libel, slander, malicious prosecution, false imprisonment, seduction, or breach of promise.

The Jury Committee of 1913.

IT HAS BEEN objected that the Administration of Justice Act, 1920, was hurried through the House of Commons in the early hours of a day just before Christmas, and this we have several times noticed. If we remember rightly, it was passed through all its stages after midnight. But the urgency was that s. 1 allows of the provincial trial of divorce causes, and this was a

matter which, it was said, would not wait, though, as we all know, it has waited for eighteen months. But as regards the right to trial by jury, it should be remembered that the proposal for a modification of it is no new matter. It formed the subject of inquiry by a Departmental Committee of the Home Office in 1913, and one of its recommendations was that in all civil actions, except defamation, &c., unless both parties desired a jury, the master, subject to appeal to the judge in chambers, should have an absolute discretion to decide whether or not a jury was necessary. The Act of 1920 which gave effect to this recommendation was considered in the House of Lords, and though the method of its passage through the House of Commons is very much open to criticism, it cannot be described altogether as a hasty or ill-considered measure. In fact, it carried out a reform which had for some years been seen to be required. More than this we need not say at present, but current criticism does not, perhaps, give quite a correct impression of the matter.

Reforms in the Office of Coroner.

IN AN INTERESTING article upon the Office of Coroner in *The Times* (10th inst.), the writer urges strongly certain reforms which have long been overdue. The Coroner is a very old part of the English circuit system; in fact, his origin is at least coeval with that of the Judge or Commissioner of Eyre; and it is therefore natural that many anomalies still exist. The Coroners Act, 1887, made no real attempt to remove these; its chief purpose was to codify the existing law and practice which had become confused through the existence of numerous statutes dating from the reign of Edward I. Although the Coroner is no longer elected by the county freeholders, but appointed by the county council, he must still possess a property qualification of freehold premises within the county boundaries; whereas he need not have any professional qualifications, although, in practice, only doctors or lawyers are selected. He is paid a salary based on fees, and has to pay out of this sum the necessary expenses of an office, clerk, stationery, travelling expenses, and the salary of his statutory deputy; this simply means that he has every inducement to hold as many inquests as possible in order to get a larger amount in fees, and to cut down his public expenses to a limit which may affect their efficiency. Moreover, many small borough and franchise districts exist, each of which has its own coroner. The writer in *The Times* advocates the insertion in the new Coroners Bill of provisions (1) abolishing these small districts and merging them in the county division for inquest purposes; (2) requiring coroners to have a legal qualification, perhaps a medical one as well; (3) abolishing the property qualification; and (4) providing fixed payments by way of salary and allowance for expenses. Other changes in the substantive law of inquests are suggested; but they have already been discussed in these columns.

The Prisoner's Right to make a Statement.

IN THE WILSON murder trial, *Rex v. Dunn and O'Sullivan* (*Times*, 19th inst.), Mr. Justice SHEARMAN seems to have adopted a course unprecedented in a murder trial by refusing to let the prisoners make an explanation of their conduct from the dock on the ground that it would amount to "anarchist political propaganda." Of course, the learned judge was strictly within his rights in so exercising his discretion; but the usual course, in a capital case, is to let the prisoners make any statement they please, relevant or irrelevant, and even if it amounts to attacks on persons not before the court. It is thought better not to hamper in any way a possibly ignorant person defending himself against a charge which involves such serious consequences to himself; other parties affected can apply afterwards to deny any statement affecting them. Moreover, the character of the prisoner's statement may be valuable evidence of the state of his mind—insanity, even within the McNaghten Rule, is sometimes disclosed by the incoherent or hallucinatory nature of the prisoner's statement. We recollect the late Lord ALVERSTONE more than once, in a murder trial, giving this as his reason for not stopping an apparently irrelevant or scandalous statement of

the accused. Whatever mischief may be caused by the use of the dock for political propaganda by fanatics is rightly considered more remote than the possible danger to the cause of justice which may arise by curbing the defence. Unfortunately, after stopping the prisoners on the ground that a remark of one of them about the Colthurst murder (into which Sir JOHN SIMON held a Government Enquiry), was objectionable as "political propaganda," the learned judge himself took a second unprecedented course; after passing the death sentence he thought it necessary to make a short speech on the futile character of a political assassination such as this and its evil effect on the Irish situation—matters which would be taken for granted by everyone. We have never known any judge, after passing sentence of death, make any further comment in a capital case, except to commend the police or some witness for their conduct in connection with the discovery of the crime. Of course, everyone will agree that the crime was a very wanton one, and will appreciate the natural strength of feeling evinced by the learned judge. But "hard cases make bad law"; and in dealing with prisoners for whom no one is likely to feel any sympathy a judge should be especially careful to see that they get every admissible legal privilege of the defence.

Palliatives of Contempt.

THE CASE OF *Rex v. Patriot Newspaper, ex parte Dunn* (*The Times*, 18th inst.), will probably be often quoted in future contempt of court cases, since the court acted on somewhat novel principles of great practical importance in dismissing a rule nisi obtained by the prisoners in *Rex v. Dunn and Another* against the publishers of the *Patriot* newspaper. The latter paper had published a scathing comment on the Government's weakness, as it regarded it, in Ireland, and referred to the WILSON murder case (then awaiting hearing, but now disposed of), insisting that murder should be treated as murder, whether its motives were political or private. There was no indication of personal vindictiveness against the accused men, but the writer of the article evidently assumed that their guilt was obvious—of course, a very natural assumption in all the circumstances of the case, since the men were caught redhanded, but technically a contempt of court. As Mr. Justice AVORY put it, the editor had omitted to insert the adjective "alleged" before such substantives as "murder" and "murderers"; had he done so, the article would have been *bona fide* fair comment on a matter of public interest. An application to commit for contempt led to the issue of a rule nisi, which was discharged without costs on the return of the rule. What is interesting is the reasoning indicated in Mr. Justice DARLING's judgment as to the way in which the court would treat a contempt of this kind. In the first place, it will look to see whether the application to commit is genuinely intended to protect the accused from damaging comment, or is merely intended for some indirect motive—not necessarily an improper motive. In this case it appeared that every newspaper, with one or two exceptions, had commented on the case with assumptions similar to those made in the *Patriot*, yet the great newspapers with thousands of readers were left alone, while a rule was applied for against an obscure partizan journal not likely to be read by anyone on the jury. The court concluded that the motive was indirect, namely, a desire to penalize and embarrass a political newspaper of opposite colour. Another consideration which the court considered relevant was the remoteness of any probability that comment in such a paper could affect the jury. Still another consideration was the obvious absence of any personal attitude towards the prisoners in the comment, which was clearly intended as an attack on the Republican party and their sympathizers. The case would seem, therefore, to be an authority that such considerations amount to extenuating circumstances in the case of contempts like this.

Fraudulent Inducement to waive Rights.

A CURIOUS point was raised in *James v. Fox* (*Times*, 15th June). The lessee of premises used as a school sued her landlord to recover damages for the felling of a number of fir trees on the premises

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which added to their beauty and the destruction of which adversely affected the value of the school. She had in fact given consent to the felling, but stated that she gave her consent owing to an allegation of the landlord that the Government were pressing him to fell the trees and that, if he did not fell them, the Timber Supplies Department of the Board of Trade would obtain a compulsory order for their destruction. He also, she alleged, represented to her that the felling would only amount to a reasonable thinning of the trees. As a matter of fact, the trial judge found that the landlord had acted perfectly *bona fide* in any representations he had made to his tenant, and the Court of Appeal upheld his view of the facts. This, however, does not conclude the matter. For, *prima facie*, the acts of the landlord were a trespass and breach of quiet enjoyment, which could only be justified by proof of consent by the tenant. Such consent might be vitiated if obtained by fraud, which was not here the case; but the question arises whether it might not also be void, apart from fraud, if the tenant gave it under a mistaken impression of the facts, such mistake being induced by the other party. This point was not pressed at the trial, where all the parties seem to have assumed that the action could only lie if there were fraud, or fraudulent concealment, on the part of some duly authorised agent of the landlord. Consent of this kind, however, it is submitted, amounts to a contractual waiver by the tenant of her strict legal rights; and the validity of such a contractual waiver ought to depend on the same considerations as affect the validity of any contract. Mistake as to an essential fact would seem to invalidate such a contractual waiver. Even granting this, however, the principle remains of "*Volenti non fit injuria*." A person who acquiesces in an injury, even if the assent is given in circumstances which would enable him to repudiate any obligations arising out of it, is presumably estopped from himself setting up the *injuria* as a ground for claiming damages against any person who innocently acted on his assent.

Forgery with intent to Blackmail.

In *Rex v. Margaret Cornwallis* (Times, 27th June), the Court of Criminal Appeal had to consider the somewhat difficult question whether the trial judge, in passing sentence on a person who has committed forgery with the intent of levying some kind of blackmail, ought to take into consideration the fact that the prisoner had a social grievance against the intended victim which she may have considered a justification for her act. The facts were these. The prisoner had once been intimate with a banker, now deceased, who made her an allowance of £20 a month. She expected that he would provide for her on his death, but he did not do so, and his executors naturally refused to recognize any claim on her part to a continuance of the allowance. She thereupon invented a false claim against him for money she alleged she had lent him, supporting the claim with forged letters. This the trial judge treated as in substance an attempt to blackmail the executors, and he refused to take into consideration as a palliative of her conduct the circumstance that she considered herself morally entitled to support from the deceased. As a matter of fact, her reputation was otherwise bad; the Court of Criminal Appeal pointed out that she had been twice divorced, and would have been divorced from a third husband had not the King's Proctor intervened to get the husband's decree *nisi* set aside; but this question of morals scarcely seems to the question of sentence as relevant as the court considered it. The decision of the court, however, is valuable as a definite judgment that the trial judge, in assessing the sentence, is entitled to disregard the existence of a conventionally recognized claim, based on alleged personal intimacy, to the continuance of support on the part of an unmarried woman, as an excuse for attempted blackmail.

Nullity and Divorce.

IN A RECENT appeal from the Divorce Court, all three judges of the Court of Appeal expressed great regret that the High Court is still bound by the old law of the Ecclesiastical Courts in respect of the dissolution of marriages on account of nullity. Such a

dissolution, of course, is not a divorce; the existing rules have no special Catholic sanctity, nor are they based on the inveterate and universal tradition of the Christian Church as our Divorce Law is supposed to be; hence there is not likely to be the same difficulty in securing the amendment of obvious anomalies. In the case commented on, the name of which it would serve no public purpose to mention, both husband and wife had counter-petitioned for declarations of nullity on the ground of each other's impotence; but the trial judge had to dismiss the suits because it was not possible to prove that the husband's impotence, the existence of which was proved, had been in existence as a permanent disability at the date of the marriage; it might have been caused by a subsequent attack of malaria contracted by him during war service. Therefore, although the marriage had never been consummated and cannot now be consummated, the parties are tied together for life. As a matter of fact, neither of the Divorce Law Reform Bills which have been before the Houses of Parliament in recent years seem to contemplate these cases of nullity. An independent Bill should surely be introduced and passed; it ought to be completely non-controversial, since it does not raise any issue of Church Law.

The Easement of Light.

POSSIBLY the recent case of *Charles Semon & Co. Ltd. v. Bradford Corporation* (ante, p. 648) would have been decided otherwise, had it not been for the alteration of the trend of the cases on the law of light, which was the result of the decision of the House of Lords in *Colls v. Home and Colonial Stores, Ltd.* (1904, A.C. 179). In the recent case *Eve, J.*, held that the plaintiffs had not made out their case that the proposed building of the defendants would cause an actionable obstruction of the plaintiffs' ancient lights. The learned judge found, as a fact, that the plaintiffs' warehouse would remain in enjoyment of an unusually large amount of light having regard to its locality. The plaintiffs apparently established the fact that the defendants' proposed building would materially diminish the light.

For many years prior to *Colls' Case* the attention of the courts had been principally directed towards the extent of the diminution of light; and the fact that a considerable amount of light would continue to be enjoyed was not treated as a very important factor in the case. After *Colls' Case* the amount of light remaining after the obstruction became a much more important point. The principle which the House of Lords adopted in the latter case was not new. In point of fact, it was the original principle which the courts first recognised in recognising the existence of the easement of light. The original conception of the right was that it was a right to freedom from a particular form of nuisance. The right was not a right of property incident to the ownership of a building. At common law no one had a right to freedom from obstruction to light. But after long enjoyment a grant of the right was presumed, on the general law of prescription. When once acquired, or when presumed to have been granted by reason of the long enjoyment, the right was to all intents and purposes a right of property. A fried fish shop of a man's neighbour may be a nuisance in respect of smell; if so, it is actionable as an interference with the comfortable use and enjoyment of his house. If the comfortable use and enjoyment of his house is prevented by an obstruction to the light coming to his windows, there is a right of action for nuisance, provided he has acquired an easement of light. If he has not acquired such an easement he has no ground on which to bring his action.

The late Lord HALSBURY in *Colls' Case*, in praise, as it were, of the conception of the right to light as a right to freedom from a particular form of nuisance, pointed to the elasticity of test. This elasticity, although admirable from the point of view that it lets in the question of reasonableness, also involved a very considerable amount of uncertainty. It is notoriously difficult to decide whether any particular act or series of acts amounts to a

nuisance. Lord MACNAGHTEN, in the same case, considered that the good sense of judges and juries could be relied on for adequately protecting rights to light on the one hand and freedom from unnecessary burdens on the other. "There must," said his lordship, "be consideration for both sides in all these controversies."

Although it is getting on now for twenty years since *Colls' Case* was decided, the effects of that decision have been so wide that a great number of points which formerly had been more or less satisfactorily settled cannot now be said to be beyond the region of doubt. One point in particular seems more obscure than ever. Suppose a man to have been in enjoyment of a particularly liberal supply of light for the past twenty years, and to have used his premises for some particular trade requiring more than an ordinary supply of light, is he entitled to complain of an obstruction which renders his premises useless for that particular trade, although for ordinary purposes he is still in enjoyment of sufficient light? It would seem that this point is more obscure now than formerly. The tendency of the previous decisions was in his favour. The trend of the cases before *Colls' Case* was towards recognizing the use to which the light was put as one of the elements in the case. But it would seem that *Colls' Case* has set the current in the opposite direction.

Again, another question now appears more difficult than formerly was the case. If a man has enjoyed light over his neighbour's land for twenty years and upwards, can the neighbour build close to the window if there remains sufficient light derived from over the land of a second neighbour? In *Jolly v. Kine* (1907, A.C. 1) Lord ATKINSON expressed the view that regard should only be had to light which the dominant owner can claim by grant or prescription. "I apprehend," said Lord LINDLEY in *Colls' Case*, "that light to which a right has not been acquired by grant or prescription, and of which the plaintiff may be deprived at any time, ought not to be taken into account." The point was raised in the case of *Davis v. Marrable* (1913, 2 Ch. 421), but was not decided. If, however, the analogy of nuisance cases is observed, it would seem that the servient owner ought not to be allowed to take advantage of the existence of non-privileged light. If the second neighbour built, as he obviously could do, close to the privileged window, he would himself commit no actionable wrong, for his land is not subject to an easement. It is the first neighbour whose land is subject to the obligation of not committing an actionable nuisance, and if the first neighbour builds so as to give grounds for a serious deprivation of light through the subsequent rightful act of the second neighbour, that serious deprivation of light is the outcome of his own act. It is, of course, an obscure point; but it is conceived that non-privileged light must be ruled out, on the footing that the dominant owner may lose the light at any moment.

Possibly the most remarkable consequence of the decision in *Colls' Case*, is that it is now open to question whether a right to light can be granted as a perpetual easement involving any higher right than a mere right to freedom from a nuisance. This point need not be obscured by the negative nature of the easement of light. It seems abundantly clear that the easement of light lies in grant, and not in a mere restrictive covenant. The importance of the distinction is obvious. If the easement lies merely in a restrictive covenant, that darling of the Courts of Equity, the *bond fide* purchaser for value without notice, would not be bound by the right. If, on the other hand, the right to light is a negative easement lying in grant—as the better opinion appears to be—then the *bond fide* purchaser for value without notice is just as much bound by the existence of the easement as he would be by the existence of a private right of way over the land he has bought.

Although it is obvious that a very liberal amount of light could be secured by employing restrictive covenants binding the land and all subsequent purchasers taking with notice, and that this mode of securing the end in view would for all practical purposes secure the desired measure of light, it would

seem that on the grant of an easement of light, the grantee could not take anything more than the general right to light measurable by the nuisance test, as against all subsequent purchasers with or without notice. The point does not appear to have been decided. But if the judgment in *Colls' Case* be read closely, it would seem that the right to light is not only a right to freedom from a particular form of nuisance, but is an easement, the extent of which must always be measured on general lines, and on general lines only. In that case, the easement was claimed under the Prescription Act. It was held, amongst other things, that that Act had not altered the nature of the right. It was well established prior to that Act that all easements claimed by prescription were claimed as the subject matter of possible grants. Every prescription pre-supposes a grant—that was, and indeed still is, a concise way of describing the whole doctrine of prescription. But if, as appears to be the case, a right to light can only be prescribed for now on the freedom from nuisance basis, then presumably the freedom from nuisance basis is the only measure of an easement of light under an express grant.

The law of light has remained somewhat dormant since 1914. But when the effects of the war have worn off, and building commences again, we may look for a considerable number of interesting decisions. The whole code of judge-made law, which, in effect, constitutes the law of light at the present time, has been disturbed in many respects by the House of Lords in *Colls' Case*; and it will require a considerable number of decisions to clear that code of many of the doubts which have crept in as a result of that case.

The Law of Property Act, 1922.

II.

THE REPEAL OF THE STATUTE OF USES.

"The Statute of Uses and s. 62 of the Conveyancing Act, 1881, are hereby repealed and the provisions in any statute or other instrument requiring land to be conveyed to uses shall take effect as directions that the land shall (subject to creating or reserving thereout any legal estate authorized by this Act which may be required) be conveyed to the proper person of full age upon the requisite trusts."

In these words of s. 1 (7), there passes the famous statute which, according to Lord HARDWICKE, had "no other effect than to add at most three words to a conveyance" (*Hopkins v. Hopkins*, 1 Atk. p. 591), but which, according to the more considered opinion of JOSHUA WILLIAMS just 140 years later, is "the keystone of all modern conveyancing" (Williams on Seisin, p. 137). Lord HARDWICKE's dictum was, of course, in a limited sense, true enough, and the forms of instruments given in Schedule 9 show that, as the Statute of Uses added the familiar words "and to the use of," so its repeal renders them unnecessary, and a conveyance in future will be unto A.B. simply. They have always been superfluous in ordinary conveyances on sale, since for the Statute of Uses to operate there must be a *cestui que use* different from the grantee to uses; hence in such a conveyance the grantee takes under the mere grant to him, and his estate arises at common law. But in a conveyance without consideration the mere grant to A would raise a resulting use in favour of the grantor, and this resulting use is rebutted by the express limitation "unto and to the use of" A: *Samme's Case* (13 Co. Rep. p. 56); *Doe v. Passingham* (6 B. & C. 305); *Savill Bros. Ltd. v. Bethell* (1902, 2 Ch. p. 540). The addition, however, of the words "unto the use" had little to do with the real operation of the Statute. That was seen in cases where grantee to uses and *cestui que use* were different, and where, by virtue of the Statute, the legal estate vested in the *cestui que use* was capable of a flexibility quite foreign to the genius of the Common Law.

In his "Double Reading" on the Statute in Gray's Inn, in the Lent Vacation, 1600—a reading which followed by eight years COKE's Reading on the same subject in the Inner Temple—BACON spoke of the Statute as "a law whereupon the inheritances of this realm are tossed at this day as upon a sea, in such sort that

it is hard to say which part will sink, and which will get to the haven; that is to say, what assurances will stand good, and what will not. Neither is there any lack or default in the pilots, the grave and learned judges; but the tides and currents of received errors and unwarranted and abusive experience have been so strong, as they were not able to keep a right course according to law," and he referred to the famous case "between DILLON and FREINE, concerning an assurance made by CHUDLEIGH," as the beginning of a true and sound exposition of the law.

The Statute of Uses was passed in 1536. *Chudleigh's Case* (*Dillon v. Freine*) (1 Co. Rep. 120a), is dated 1589-1595; so fifty years passed before the great argument in this case on the nature of uses and of estates under the Statute took place, an argument in which all the judges, eleven in number, took part, and which, according to COKE, lasted six days. His report presents an amazing wealth of scholastic subtlety, and though methods and subjects have altered, we are not sure that there has been any real simplification of judicial logic. Company law and income and super-tax—to take two familiar examples—show that legal subtlety has merely changed its venue. Uses had been a growing difficulty in real property law ever since their invention. The use was in mediæval times the same as the later trust, and, indeed, was defined as a trust or confidence, so that he who had the use took the profits, and the terre-tenant made estates according to his direction. But the *cestui que use* had no remedy at the common law. His remedy was only by subpoena in Chancery. Fraud, says COKE, was the principal cause of the invention of uses, and they seem to have enabled the beneficial owner to defeat his creditors and to escape the liabilities incident to the holding of land. Escheat and dower, for instance, were defeated and secret conveyances were rendered possible. As early as the reign of Edward 3 an attempt was made to prevent frauds in this way upon creditors (50 Ed. 3, c. 6), and numerous other statutes followed. At length the mischief grew so great that Parliament determined to extirpate uses altogether:—

"For the makers of the statute of 27 Hen. 8, having maturely examined the said former statutes and provisions by Parliament to reform the great abuses of uses in many particular cases, at last resolved, that uses were so subtle and perverse, that they could by no policy or provision be governed or reformed; and therefore, as a skilful gardener will not cut away the leaves of the weeds, but extirpate them by the roots . . . so the makers of the said statute of 27 Hen. 8 did not intend to provide a remedy and reformation by the continuance or preservation, but by the extinction and extirpation of uses; and because uses were so subtle and ungovernable . . . they have with an indissoluble knot coupled and married them to the land, which of all the elements is the most ponderous and immovable" (1 Co. Rep. 124a).

It is, of course, well known that these intentions of Parliament were quite frustrated, and so far from uses being extirpated, they were re-established and flourished exceedingly, both in the added facilities given for the creation of legal estates, and in the perpetuation of the separate beneficial interest in the form of trusts; so that, to use another metaphor of those times—a little mixed, perhaps—"uses have extended themselves into many branches, and are to be resembled to Nebuchadnezzar's tree; for in this tree the fowls of the air build their nests, and the nobles of this realm erect and establish their houses, and under this tree lie *infinita pecora campi*, and great part of the copyholders and farmers of the land for shelter and safety" (1 Co. Rep. 134b).

The effect of the Statute in giving flexibility to the creation of legal estates was not at once admitted. It was contended that no limitation of a use, which was contrary to the rules established at the common law respecting the limitation of legal estates, should be executed by the statute; for otherwise all the mischiefs intended to be remedied by the Act would be continued, or greater introduced. But while this was admitted to a certain extent, so that, as was held in *Chudleigh's Case*, it was necessary that a use limited by way of remainder should take effect, if at all, before or immediately upon the determination of the particular estate, in the same manner as in the case of a conveyance at common law; yet in other respects the legal estate executed in the *cestui que use* by the Statute was allowed the same flexibility

as uses previously had, and hence arose the conveyancing device of springing and shifting uses. True there was the difficulty that, after the estate in the first *cestui que use* had been executed by the Statute, there seemed to be nothing left in the grantee to uses which could support the future contingent uses. But scholastic logic met this in various ways, one being the suggestion that a *scintilla juris* remained in the grantee to uses sufficient for the purpose, and this fiction was effectual until the Law of Property Amendment Act, 1860, provided by s. 7 that no *scintilla juris* was necessary, but that the original seisin of the grantee to user was sufficient to support all the subsequent uses.

The perpetuation of the old use, separate from the legal estate, in the form of trusts, was due to the decision in *Tyrrell's Case* (Dyer, 155a) that there could not be a use upon a use. There has rarely been so striking an instance of judicial construction defeating the intentions of the Legislature; but subsequent experience appears to have justified judge-made law, and the separation between the legal and equitable estate which *Tyrrell's Case* made possible has received clear statutory approval in the present Act. An Act of Parliament, it was said in *Chudleigh's Case* (1 Co. Rep. 137a), can make division of estates; and though the Legislature may not have meant to do so in 1536—and in fact had quite other intentions—there is no doubt that it has done so effectually now. The two main results of the Statute of Uses being, then, the flexibility in legal limitations and the separation of legal and equitable estates, it will be seen that the repeal of the Statute has made it necessary to determine in what form and to what extent the same results are to be attained.

The new system, as we pointed out last week, is based on the statutory distinction between legal and equitable estates. Parliament in 1922 determines that the attempt made by Parliament in 1536 to marry by an indissoluble knot uses to the land was a mistake. *Tyrrell's Case* is accepted as sound policy, and the legal estate and the equitable estate are to be capable of being kept distinct. Whether in any particular case they are in fact distinct or not depends on whether a trust has been created. As to the other point—the flexibility of legal limitations—this is given up. Such division of the fee simple as existed at common law in the separation of life estate and remainders, and such flexibility as was possible by means of conditional limitations, are abandoned in favour of the one indivisible legal estate—a fee simple absolute; the flexibility of legal limitations which existed by reason of springing and shifting uses necessarily disappears with the repeal of the Statute. But all these divisions, whether fixed, as in estates for life and in remainder, or variable as in springing and shifting uses, are not abolished, but are reborn as equitable estates. The effect is to introduce into legal estates a rigidity which they have never known before; and to throw upon equity the task of preserving all the variety of interests which have hitherto existed, whether as common law estates, or as estates under the Statute of Uses, or as equitable estates.

(To be continued.)

The Commercial Law of Latin America.

It is not generally known in England, we believe, that South and Central America possess one great practical advantage: although some thirteen separate sovereign states exist in that vast continental area, yet there is an almost uniform system of private law. Civil Law, Criminal Law, the Law of Property and Conveyancing, the system of procedure and the rules of evidence, the very hierarchy of courts and spheres of jurisdiction: these are practically the same everywhere. This uniformity is due to the adoption by Spain, and consequently by Latin America, of the French system of Codes, known as the Code Napoleon, imposed by Napoleon on all countries occupied by him, and usually retained after he had been driven elsewhere. Commercial Law and the Law of Contract, indeed, are now much the same everywhere on the European Continent and in Latin America. Hence it is possible to treat in one volume the whole

Commercial Code of Latin America, as Professor T. Esquivel Obrégón has done in the very useful volume recently issued by the Banks Law Publishing Co., of New York.* Professor Obrégón bears an honoured name, that of the present President of Mexico, who has been working heroically to restore law and order after seven years of anarchy; and he has the invaluable assistance of a great international lawyer, Professor Borchardt, of Yale University, whose treatise on "Remedy by Diplomatic Representation" is the standard treatise on that important subject.

The original Spanish Code itself is in force in Cuba and Porto Rico, the former of which is an American Protectorate, and the latter, territory annexed by the United States at the close of the Spanish-American War. The Codes of Argentina, Chile, Bolivia, Columbia, Costa Rica, Guatemala, Nicaragua, Paraguay, and Uruguay, follow the Spanish Code of 1829. The other Latin-American States have accepted the Spanish Code of 1885. Haiti and San Domingo follow the Code Napoleon itself. But in practice there is so little difference between any of these Codes that the lawyers of one country treat decisions in the others as guides to the interpretation of the law: in Latin America, as in France, the English system of treating a judicial decision as a binding precedent is quite unknown. Unification has also been helped by the Pan-American movement and the labours of South American Congresses which meet periodically in the different capital cities. Treaties, too, providing for the application in the treaty-making States of identical rules of law, have been quite numerous in South America.

Curiously enough, there exist in countries which have adopted the Code Napoleon two different views as to the nature of the "Law Merchant." These schools are known as the "Civilists" and the "Mercantilists." The Civilists contend that there is no special branch of law, common to all nations, which can be called the "Law Merchant." They hold that the "Law Merchant" consists of a number of separate rules of law, especially the law of contract and capacity of parties, taken out of the ordinary private law of any country and fused together, for purposes of convenience only, into a system of "Commercial Law." This system happens to be embodied in a practically identical Code in each country deriving its system from the Roman Law; but this systematisation and identity—so the Civilists hold—is a mere historical incident created deliberately by legislatures for purposes of convenience: it does not rest in any immutable or fundamental division of juristic logic.

The "Mercantilists," on the other hand, argue that the "Law Merchant," whether embraced in a Commercial Code or not, is an independent branch of the legal "Policy of Europe": that the Civil Law, the Canon Law, and the Law Merchant are three separate systems which bind respectively persons concerned in secular, ecclesiastic, and mercantile transactions: that the principles at the root of each of these three systems are different, although by analogy they resemble the corresponding principles in each of the other systems; and that the ultimate juristic sovereign in the three cases is different. In the case of the Civil Law, it is the Sovereign State. In the case of the Canon Law it is the Church Christian. In the case of the Law Merchant, it is the *Jus Gentium*. Of course, in each State Statute Law has made all sorts of alterations in each of the three systems of law; but, apart from the overriding power of statute, the final authority in each case is a different kind of Sovereign. Only in the case of the Civil Law is that Sovereign "plural," namely, a number of distinct Sovereign States each having its own system of laws. In the case of Canon Law, it is the one indivisible Church. In the case of the Law Merchant, it is the one indivisible Law of Nations. This point of view is interesting, as showing the natural leaning of Latin-American States towards a "League of Nations," administering the *Jus Gentium*, of which what we call "International Law" is one moiety and the "Law Merchant" is the other moiety. Such a "League of Nations" is naturally a very different conception from that of President Woodrow Wilson embodied in the Covenant embodied in the Treaty of Versailles; but there are obvious affinities between the jurists' conception of an inchoate International Sovereignty and the modern one of a Treaty-made League of Nations.

As a matter of fact, the "Civilists" and the "Mercantilists" do not exhaust the field of Mercantile Jurisprudence in Latin America. There is a third, but less important group, the Economico-Legal School, who hold that the Law of Contract must be severed from all other branches of Law, whether of Status, Property, Crime, or Trusts. The Law of Contract, they hold, must be the same throughout the civilized world, because it is based on the fundamental juristic concept of "free exchange" and "voluntary obligation," the principles governing which are a mere matter of logic and must be the same for all rational beings. Of course, in any particular country, the Laws of Contract may be, and will be, modified by statute. But, except so far as modified by legislation, that system of law must consist of an

identical set of rules in every country, provided the courts have interpreted it correctly: for the logic of free volition on the part of rational beings, is like the propositions of geometry or the equations of algebra: it results from inevitable deduction from the postulate of freedom, and therefore there can be only one solution. This school, of course, is highly theoretical; and a frivolous person might point out that Einstein and the Pan-Geometricians have taught us to regard even the propositions of Euclid as not necessarily identical to observers with different frames of reference. In any case, this third school has not yet succeeded in gaining any wide acceptance of its highly abstract point of view.

The "Civilist" or "French" theory has been adopted as correct by the Judiciaries of Chile, Ecuador, Guatemala, Haiti, Honduras, Mexico, San Salvador, Santa Domingo, Venezuela. The "Mercantilist" or "German" theory has been accepted in Spain, Columbia, and Peru. The result is that the former countries recognize no authority in any body of doctrine outside their own Codes, whereas in the latter countries the Commercial Code itself directs the judge to decide cases not expressly specified in the Code in accordance with the general customs of the "Law Merchant," and, failing these, of the *Jus Civile*. The former countries, naturally, know of only one kind of mercantile custom, namely, the general customs of their own State. The latter, on the other hand, recognize two separate kinds of "ancient, inveterate, and general custom," namely (1) the "universal," that which prevails throughout Christendom, and (2) the "national," that which prevails only in the State itself. Both systems of custom can grow and change by inveterate adoption of a new usage. But no new national custom will be recognized which is inconsistent with "universal custom" of the Law Merchant. This obviously fetters the capacity of the nationality to develop a new general custom of its own.

The struggle between "Civilist" and "Mercantilist" Schools in Latin-American Jurisprudence is very interesting, because it coincides with a struggle between the "French" and the "German-Italian" influence on thought and civilization. The "Civilist" School derives from France; the "Mercantilist" from Germany, Italy, and Spain. The unwillingness of the "Civilist" School to look outside the National Law to other systems of Commercial Jurisprudence arises from an historical source, namely, the separateness of the French Monarchy in medieval times from the Holy Roman Empire. The fact that Germany and Italy were included in that Empire, and that Spain soon became closely allied to it, accounts for the "Mercantilist" willingness to apply the general "Law Merchant" of Christendom—for the countries of the Empire always held that in theory the whole of Christendom was one State with a uniform Common Law. The third and less important school, on the other hand, is the direct offspring of Rousseau's "Social Contract" and its radical influence on the whole world of Latin Jurisprudence.

As a matter of fact, although the schools of jurisprudence we have enumerated have great influence in the courts of Latin America, it is surprising to find that there exists, as we have already pointed out, the utmost possible uniformity between the actual rules of law prevailing everywhere. This suggests that the juristic distinctions just discussed are more academic than practical. But they have the merit of making for a consistent effort, on the part of judges, legislators, and text-book writers, to reduce Commercial Law into a consistent system based on general principles. The result is enormous simplification and the gradual elucidation of new rules, many of which have been surreptitiously adopted by such countries as our own which do not recognize any superior authority vested in the "Law Merchant." Thus the recent doctrines of "Mitigation of Damages" and "Frustration of Venture" are really importations from the Latin-American world, which have, half unconsciously, grown into a part of our Law of Contract. The study of Latin-American Law, therefore, must always be useful and interesting to English lawyers since it provides clear and logical rules upon any matters in respect of which our Law Merchant is still, visibly, in a very plastic state, trying to shape itself into a more coherent system.

The Duke of Leinster was ordered by Mr. Graham Campbell at Bow-street Police Court yesterday, to pay a fine of £5 for driving a motor-car along Constitution Hill, Green Park, at a speed of thirty-three miles an hour. The Duke did not appear, but was represented by Mr. J. P. Valetta. Mr. Herbert Muskett, for the police, said that the Duke's car was timed over a measured distance on the morning of 1st July. There was no special danger, but there were previous convictions for similar offences in 1914 at Bromley, Lambeth, and Brighton, and again quite recently. Mr. Valetta urged that the Duke had held a licence for fifteen years, and had never been convicted of any motoring offence except exceeding the speed-limit. He asked the magistrate not to endorse the licence. The magistrate said that as there had been more than two previous convictions the licence must be endorsed.

* Latin-American Commercial Law. By T. Esquivel Obrégón, Professor in the Universities of New York and Columbia. Banks Law Publishing Co., New York. 1921.

Reviews.

Constitutional Law.

THE LAW AND CUSTOM OF THE CONSTITUTION. By The Rt. Hon. Sir WILLIAM R. ANSON, Bart., D.C.L., Barrister-at-Law, sometime Warden of All Souls' College, Oxford. In Three Volumes. Vol. I, Parliament. Fifth Edition by MAURICE L. GWYER, C.B., Barrister-at-Law. The Clarendon Press. 18s. net.

The student of constitutional law, wrote Sir William Anson in the Preface to the First Edition of this useful and interesting work, realizes at every turn the truth of Dr. Stubbs' saying that "the roots of the present lie deep in the past." Especially is this so in the case of the English Parliament which has had such a long and continuous history, and has been the model for most of the legislatures of the world. Hence the history of Parliament, although it is compressed into one short chapter, forms a necessary feature in a work like the present. But while history is interesting, recent legislative changes are more germane to the understanding of the working of Parliament at the present day, and Mr. Gwyer has had to incorporate many alterations, of which the re-casting and extension of the franchise by the Representation of the People Act, 1918, the creation of the Parliament of Northern Ireland, the disappearance of the representatives of Southern Ireland from the House of Commons, and the presence of women in Parliament are the most notable; in the House of Commons, that is, for though an Addendum records the decision of the Committee of Privileges of 3rd March last in favour of the claim of a peeress in her own right to sit in the House of Lords, this requires another Addendum to give that Committee's latest decision. But, extensive though statutory changes may have been, yet in Mr. Gwyer's judgment, Parliamentary custom and practice has been singularly little affected even by the war, and Parliament has emerged from the struggle with its structure, machinery and powers still essentially the same.

In the relation of Parliament to the public, one of the most interesting matters is the question of the publication of the debates. Formerly all proceedings in Parliament were supposed to be kept secret. "Secrecy as to what men said and how men voted was regarded as an obligation upon members." And the right to prohibit the publication of proceedings in Parliament is included as a part of the privileges which are claimed of the Speaker for the House of Commons at the commencement of every Parliament; mainly, freedom of the person and freedom of speech. Under Walpole the view was urged that publication of the reports only led to misrepresentation. This may have been so when reporting was in its infancy, and speeches were recorded, as Dr. Johnson in his own case admitted, "from very slender materials, and often from none at all," and designedly reflected the prejudices of the reporter. Then, in 1771, came the conflict between the House and the City over the right of the Commons to arrest an unauthorized printer of the debates. Later on came the dispute in *Stockdale v. Hansard* (9 A. & E. 1) as to whether the orders of the House would protect the publication of defamatory statements, but this was settled by statute in favour of the House (3 & 4 Vict., c. 9). The history of the publication of debates is the subject of an interesting section (pp. 172 to 176). And in other matters the Courts of Law have come into contact with the House of Commons, but the serious question of the courts declaring the invalidity of statutes does not arise here as it does in the United States. The present edition is a very valuable reproduction of Sir William Anson's work.

Books of the Week.

International Law.—A Treatise on Private International Law, with Principal References to its Practice in England. By the late JOHN WESTLAKE, K.C., LL.D. Sixth edition. By NORMAN BENTWICH, Barrister-at-Law. Sweet & Maxwell, Ltd. 27s. 6d. net.

Public Health.—Glen's Law of Public Health and Local Government. Fourteenth edition. By the late ALEXANDER GLEN, K.C., M.A., LL.M., Cantab, Bencher of the Middle Temple, RANDOLPH A. GLEN, M.A., LL.B., Cantab, and G. W. BAILEY, Barristers-at-Law. Vol. 2, Part 3. Acts relating to Public Health and Local Government Undertakings. Part 4, Div. I. The "Clauses" Acts. Sweet & Maxwell, Ltd.

Meetings.—The Law of Meetings. Being a Concise Statement of the Law Relating to the Conduct and Control of Meetings in General. By GEORGE A. BLACKWELL, LL.B., Lond., Barrister-at-Law. Sixth Edition. By RANDOLPH A. GLEN, M.A., LL.B., Cantab, Barrister-at-Law, Butterworth & Co. 6s. net, postage 6d. extra.

Dr. E. G. Hunt, Ashwick, Oakhill, near Bath, in a letter to *The Times* (12th inst.) writes: "Though it is desirable, where possible, that the office of coroner should be held by a man who is both a lawyer and a medical man, it is much more important that he should be a medical than a legal man where it is impossible to get a man who is both, and for this reason. Any intelligent doctor can with comparative ease learn the amount of law that is, at any rate in the great majority of cases, needed at inquests, while no man's knowledge of medicine is worth anything at all unless he has both had a long and arduous training and some considerable experience of practice subsequently; and, after all, the great majority of inquests concern cases of sudden death."

CASES OF THE WEEK.

Court of Appeal.

CARLTON MAIN COLLIERY CO., LTD. v. HEMSWORTH RURAL DISTRICT COUNCIL. No. 1. 20th and 21st June.

LOCAL GOVERNMENT—PUBLIC HEALTH—PRIVIES—SUBSTITUTION OF WATER-CLOSETS—PRIVIES "NOT SUFFICIENT"—NOTICE REQUIRING SUBSTITUTION—POWERS OF LOCAL AUTHORITY—GENERAL SCHEME OF CONVERSION—DISCRETION—INCIDENCE OF EXPENSE—PUBLIC HEALTH ACT, 1875 (38 & 39 Vict., c. 55), ss. 35, 36—PUBLIC HEALTH ACTS AMENDMENT ACT, 1907 (7 Edw. 7, c. 53), s. 39.

Under the Public Health Act, 1875, s. 36, if a house within the district of a local authority is reported by its surveyor or inspector of nuisances to be without a sufficient water-closet, earth-closet or privy and an ashpit, the authority is to give notice to the owner or occupier requiring him within a reasonable time specified to provide a sufficient water-closet, earth-closet or privy and an ashpit, or either of them, as the case may require, failing compliance with which the authority may do the work specified in the notice, and recover from the owner the expenses incurred. A local authority having served notices upon the owners of four houses fitted with privies which had been reported by their inspector to be defective and not sufficient, requiring them to convert the privies into water-closets,

Held, that the notices were valid, and had been given after a bonâ fide consideration of all the circumstances of the case, which showed that another kind of convenience was necessary; that the section was unaffected by s. 39, s. 4 of the Public Health Acts Amendment Act, 1907, authorising the adoption of a general scheme of conversion of privies into water-closets at the joint expense of the owners and the local authority; and that the defendant council had not acted with the motive of improperly obtaining a general conversion at the sole expense of the owners, but had exercised a proper discretion.

St. Luke's, Middlesex, Vestry v. Lewis (1 B. & S. 865), and Nicholl v. Epping Urban District Council (1899, 1 Ch. 844), approved and followed. Decision of P. O. Lawrence, J. (1922, 1 Ch. 521) affirmed.

Appeal by the plaintiffs from a decision of P. O. Lawrence, J. (reported 1922, 1 Ch. 521). The plaintiff company owned two large collieries in the defendants' area, and had built about 1,500 houses for their employees in several villages in the district. Practically all these houses were originally fitted with privies, but there were frequent complaints that these created a nuisance, and in December, 1918, the defendants passed a resolution to investigate every case of an alleged defective privy on its merits, and if it was found to be defective to serve notice on the owners under s. 36 of the Public Health Act, 1875, to convert the same into a water-closet, and in cases of insufficiency in number to proceed under s. 39 of the Public Health Acts Amendment Act, 1907, under which the defendants were to bear half the expense. In pursuance of that resolution a large number of privies had been so converted under s. 36, but none at all under s. 39. The plaintiff company had received notices under s. 36 with respect to four houses, two in King Street, and two in Queen Street, South Elmsall. In each house there was a privy, and each pair of houses was provided with an ashpit with separate access thereto for each house, and the privies and ashpits complied with the law and with local building bye-laws as to their design and construction. On 7th September, 1920, the defendants' inspector of nuisances, Mr. McAllister, served notices on the plaintiffs requiring them to furnish each house with a sufficient water-closet and also an ashpit, and intimating that if the notices were not complied with within twenty-eight days, the defendants would at the expiration of that time do the work themselves and recover the expenses from the owners. The plaintiffs then brought this action for a declaration that the notices were invalid, and for an injunction to restrain the defendants from requiring water-closets to be substituted for privies, or from entering the premises to do the work. They alleged that there had been for some time a concerted effort by the defendants to substitute water-closets for privies, whether a nuisance, or not, throughout their district, and to do so under s. 36 of the Act of 1875, instead of s. 39 of the amending Act of 1907 in order to cast the whole expense of the conversion on the owners, and avoid any burden on the rates, as the cost would have been greater than the rate fund could bear. The defendants denied the plaintiffs' allegations, and contended that the notices were served according to the conditions at each house, and were valid. P. O. Lawrence, J., held that the defendants had exercised a proper discretion after independent enquiry in the case of each house, and that the notices were valid and properly served and dismissed the action. The plaintiffs appealed.

The Court dismissed the appeal.

LORD STERNDALE, M.R., said that the appeal raised two points, one of general importance with regard to the construction of the Public Health Act, 1875, and another of importance on the particular facts of the case. (His lordship stated the facts as to the notices and read a notice.) The first objection taken which went to the root of the matter was this, that it was entirely beyond the power of a local authority under s. 36 to require that a house at present fitted only with a privy should be furnished with a water-closet, until the owner had had an opportunity of remedying defects in the privy, and that although the privy might be entirely unsatisfactory, and the only practicable remedy was to substitute a water-closet. If that point was a good one, the action of the defendant authority was

altogether wrong, and the appeal should succeed. That depended on the Public Health Act, 1875, ss. 35 and 36 of which, read together, seemed to be much the same thing in substance as s. 51 of the Public Health Act, 1848, except for the addition of "earth closet" in the later Act. His lordship read ss. 35 and 36 and, proceeding, said that it was said that under s. 35 a man who built a new house had an option which kind of sanitary convenience he should put in, and he (his lordship) accepted that. But he could not see the force of the argument that it could not have been intended that the owner who had an option under s. 35 should have no such option under s. 36 in the case of an existing house where the accommodation was not sufficient. It might well be that in the case of a new house an option should be given to the owner, but not in the case of an old one. It would be a remarkable piece of legislation to allow a man to go on tinkering with a defective sanitary apparatus in a house in order to see whether he could not put it right, when it was obviously unsatisfactory. It was the duty of the local authority to protect the health of the public, and there was nothing anomalous or extraordinary in there being no option left to the owner under s. 36. *Prima facie* the section would appear to assume that the notice was to specify what work was to be done, and did not simply say "Put this right in any way you like." Looking at the section apart from any authority, in his (his lordship's) opinion it gave the local authority a right to require either a sufficient privy, or, if they honestly and properly came to the conclusion that it was necessary, a water-closet. The case, however, was not free from authority, and the very point had been decided in favour of the local authority in *Nicholl v. Epping Urban District Council* (1889, 1 Ch. 844). The learned judge below was bound by that, but they were not. The decision was in favour of the view which he (his lordship) had taken. But that case did not stand alone, and followed the decision in *St. Luke's, Middlesex, Vestry v. Lewis* (1 B. & S. 865) on similar words in the Act of 1848, laying particular stress on the words "or either of them." It was true that there was a dictum by Lord Alverstone, C.J., in *Smith v. Greenwood* (1907, 2 K.B. 385, at p. 389) which was to the contrary effect, but he (his lordship) could not understand it as *Nicholl's Case* was cited in the argument, and he must therefore disregard it. He doubted if it could be quite accurately reported. Then another point was taken which was difficult to follow. It was said that because there were provisions in ss. 41, 95 and 96 of the Act of 1875 by which greater powers were given to the authorities in the case of nuisances, the case could only be dealt with under the nuisance sections, but he (his lordship) could not see how those sections could impose any limitation on s. 36. Looking therefore at the Act of 1875 he thought the respondents were right. Another argument, however, was founded on s. 39 of the Public Health Act Amendment Act, 1907, by which certain powers were given to local authorities to substitute water-closet for privy accommodation, the expense to be divided between the owner and the local authority, i.e., half to be borne by the rates. That section, however, did not seem to affect the powers under s. 36. Under s. 39 (4) there might be a general scheme of substitution irrespective of whether the privy was sufficient or not. But the argument was mainly based on s. 39 (3) which spoke of "sufficient closet accommodation." He (his lordship) thought that referred rather to the amount of the accommodation though it was not limited to that. A building might have perfectly proper closets, but not sufficient accommodation for the number of inhabitants. In his (his lordship's) opinion the local authority was both on the authorities and the construction of the Act apart from authorities, right.

Of course one must not confuse the two questions: (1) what was the local authority empowered to do, (2) whether they had in fact acted correctly in what they had done. It was for the authority to consider in the first place what ought to be done. They must be satisfied (1) that the existing accommodation was insufficient, (2) that a different kind of accommodation was necessary, and on both points, as *Stirling, J.*, said in *Nicholl's case* (*supra*) there was an appeal now to the Ministry of Health; and the decision of the local authority might be reversed if the Ministry thought it was wrong. It was true that *Lawrence, J.*, came to the conclusion that the local authority was right on the facts of the present case, but that he (his lordship) need not and did not intend to deal with. The other point turned on questions of fact, on which he (his lordship) would say but little. It was said that the decision of the local authority was not *bond fide*, as they had resolved to put into operation a general scheme of conversion of privies, but found that if they did so half the expense would fall on the local authority, so that they decided to do piecemeal and indirectly what they refused to do directly and as a general scheme. That was a very serious allegation against both the members of the local authority, and still more so, against their inspector of nuisances. The learned judge heard all the evidence on the subject given viva voce, and he accepted the statements made on behalf of the defendants and held that it was proved to his satisfaction that their action was *bond fide*. Of course the appeal was a rehearing, and the court were entitled to come to a different conclusion, though it was always difficult to upset the finding of a learned judge who had seen and heard the witnesses. His lordship then reviewed the evidence at some length, and said he thought the resolution of December, 1918, was perfectly harmless. It had been suggested that the matter had not been properly considered, and no alternative suggestion to the compulsory provision of water-closets had ever been put forward. But that was contrary to the fact. In reply to a member of the council who asked if it was possible to repair the existing accommodation it was said that it would cost more to repair than it would to substitute water-closets. In his lordship's opinion, therefore, the appeal failed on both grounds.

WARRINGTON, L.J., and YOUNGER, L.J., delivered judgment to the same effect, the former distinguishing *Wood v. Widnes Corporation* (1898, 1 Q.B. 463), and the latter observing that the defendants had now had their duty clearly indicated, and could only validly exercise their power under s. 36 upon the conditions laid down in *Nicholl v. Epping Urban District Council* (*supra*) being satisfied. COUNSEL: *Maugham, K.C.*, and *Scholefield, K.C.*; *Jenkins, K.C.*, and *E. J. Naldrett*. SOLICITORS: *Hancock & Willis for Wake & Sons, Sheffield*; *Corbin, Greener & Cook, for Raley & Sons, Barnsley*.

[Reported by H. LANGFORD LEWIS, Barrister-at-Law.]

High Court.—Chancery Division.

Re WALTON'S SETTLEMENT; WALTON v. PEIRSON.

Eve, J. 22nd June.

SETTLEMENT—DEED OF REVOCATION—MISTAKE OF SOLICITOR—DEED GOING BEYOND INSTRUCTIONS—CANCELLATION OF DEED.

A settlement will be rectified where it is satisfactorily proved that by a mistake of the draftsman it does not express the real intention of the parties. Applying this principle, a deed of revocation of a settlement was ordered to be cancelled, where, by a mistake of the solicitor, the deed went beyond the instructions and the intention of the parties.

Walker v. Armstrong (8 D.M. & G. 531) followed.

This was an action asking for the cancellation of a deed poll on the ground of mistake. By a settlement dated 16th September, 1912, and made between J. Walton, the late husband of the plaintiff, and the plaintiff, it was covenanted and agreed that certain investments forming the husband's fund and other investments forming the wife's fund, should remain in their then state of investment during the joint lives of husband and wife, but it should be lawful for the husband and wife jointly in respect of the wife's fund and the husband alone in respect of his fund, to sell and convert into money any of the respective funds and invest the proceeds in the purchase of an annuity in the joint names of the husband and wife, with benefit of survivorship, the income of the respective funds during their joint lives being applicable as therein mentioned, and the settlement provided that if the annuity should not be purchased upon the death of the husband in the life of the plaintiff, the respective funds should be vested in and held by the plaintiff and the executors of her husband's will upon trust to invest the whole of the said funds and investments then remaining subject to the trusts of the settlement in the purchase for the sole and separate use of the plaintiff of a life annuity; and the settlement contained a power for either of the parties thereto to revoke it. The plaintiff's husband died in October, 1920, having by his will appointed the defendants his executors. The plaintiff desired that the funds and investments subject to the settlement should not be invested in the purchase of an annuity, but should be held in trust for her sole use or be transferred to her, and acting on the advice of her solicitor she executed a deed poll on 28th April, 1921, revoking the settlement. The plaintiff contended that the deed poll was executed by her under a misapprehension as to its legal effect and that it ought to be cancelled or rectified. The defendants contended that the effect of the deed poll was that the beneficial interest of the plaintiff in the husband's fund resulted to him and now formed part of his estate.

EVE, J. said that the true effect of the deed of revocation was to put an end to the settlement for all purposes, with the result that, if it stood, the husband's fund comprised in the settlement would revert to and form part of his estate. Evidence however had been given by the plaintiff's solicitor that he did not at the time of its execution appreciate the true effect of the deed of revocation which he advised the plaintiff to execute. He did not appreciate at the time that the plaintiff was solely entitled to the beneficial enjoyment of the fund and was in a position to assert her right to the capital of the fund directed to be laid out in the purchase of an annuity. The document he advised her to execute went beyond his instructions, and beyond what the plaintiff intended and desired, namely, to get rid of the trust to invest the fund in the purchase of an annuity. The statement of the law by Lord Justice Turner in the case of *Walker v. Armstrong*, (8 D.M. & G. 531, 544) exactly fitted the present case. In that case, mainly relied on by the plaintiff, the deed went beyond the instructions and the intention of the parties, and the mistake being discovered, the deed was rectified in accordance with the intention of the parties. So in the present case the solicitor went beyond his instructions and beyond the intention of the plaintiff and the deed must be cancelled. There would therefore be a declaration that the investments at the death of J. Walton belonged absolutely to the plaintiff free from the trust to invest in the purchase of an annuity, but subject to the defendants retaining their costs as between solicitor and client, inasmuch as the mistake was the mistake of the plaintiff, and the defendants were bound to defend the action. There would be an order for the deed of 28th April 1921, to be cancelled, and the defendants would be directed to transfer to the plaintiff the investments constituting the husband's fund.—COUNSEL: *Baden Fuller*; *R. H. Hodges*. SOLICITORS: *Brewer & Son*; *Rollit, Sons and Compton*.

[Reported by S. H. WILLIAMS, Barrister-at-Law.]

In re PETTIT: LE FEVRE v. PETTIT. Romer, J. 15th and 29th June.
WILL—CONSTRUCTION—ANNUITIES "FREE OF INCOME TAX"—REPAYMENT OF INCOME TAX HOW APPLICABLE BETWEEN ANNUITANTS AND RESIDUARY LEGATEES.

Where amounts of income-tax payable on annuities bequeathed free of income-tax were repaid by the Special Commissioners it was held that proportions of the amounts so repaid or recovered equivalent to the proportions that the annuities bore to the whole incomes of the annuitants should be retained by the trustees as part of the testator's residuary estate, and that the balance should be paid to the annuitants.

This was a summons by trustees to determine the question of what should be done with certain sums recovered by way of repayment of income-tax. The facts were as follows:—The testator by his will dated the 6th day of December, 1913, devised and bequeathed his residuary real and personal estate to his trustees upon the usual trusts for sale and conversion, and directed them, after paying and providing for his funeral and testamentary expenses, death duties, debts and legacies, to invest the residue of the moneys arising from such sale and conversion in the manner therein mentioned, and to stand possessed of the trust premises and the annual income thereof, upon trust to pay an annuity of £1,000 free of duty and income-tax to his wife for her life, and an annuity of £400 free of duty and income-tax to his daughter for her life without power of anticipation, such annuities to commence from his death, and to be paid by equal quarterly payments, and he directed that his trustees should set apart and invest such a sum of money as would, when invested, produce an annual income equal to the amount of the annuities, and until such sums should be appropriated he charged his residuary personal estate with the annuities, and subject thereto he directed his trustees to stand possessed of the trust premises upon certain trusts for the benefit of the issue of the defendant, his daughter. He died in 1917 and as from his death the annuities were duly paid out of the residuary personal estate without any deduction. These sums were wholly paid out of profits that had been brought into charge to income-tax. Claims were made for relief by way of repayment of income-tax for back years, and certain repayments were made. The daughter had three children.

ROMER, J., after stating the facts, said:—This precise point came recently before Sargant, J., in the unreported case of *In re Hatty*, but in that case the question of whether the annuitants were entitled to retain for their own benefit the whole sum repaid by the Special Commissioners was not argued, and the only question discussed was as to what proportions of the total sum repaid should be treated as referable to the annuities. In those circumstances Sargant, J., decided that the trustees were entitled in each case to such proportion of the total sum repaid as the annuity bore to the total income of the annuitant. In the present case it has been argued on behalf of the annuitants that they are entitled to retain the whole of the sums repaid by the Special Commissioners. The annuities were paid out of income that had already been brought into charge to tax, the tax having been deducted at the source before the income was received by the trustees. It has often been pointed out that payment at the source is nothing more than the machinery by which the revenue authorities collect the tax from the persons ultimately liable to pay, and the rights of the parties are, as between themselves, precisely the same as though the trustees received the gross income and had themselves to pay the tax to the revenue. It might turn out that the circumstances of the annuitant were such that he was not liable in respect of his income to the full rate of income-tax, and if in consequence of this the annuitant were repaid the excess by the Special Commissioners it is difficult to understand on what ground it can be suggested that such excess should be retained by the annuitant who has not paid the tax, and not be handed back to the residuary legatees who have paid. If the annuitant were to retain the excess he would, in the end have received out of the estate more than 20s. in the £ on the annuity given to him by the will. I accordingly hold that proportions of the amounts recovered equivalent to the proportions that the annuities bear to the whole incomes of the annuitants shall be retained by the trustees as part of the testator's residuary estate, and that the balance shall be paid to the annuitants.—COUNSEL: Bryan Farrer; Stamp and F. K. Archer. SOLICITORS: Crossman, Block, Matthews and Crossman, for Sharnan & Trethewey, Bedford.

[Reported by L. M. MAY, Barrister-at-Law.]

CASES OF LAST SITTINGS. High Court—King's Bench Division.

PENNINGTON v. RELIANCE MOTOR WORKS, LTD. 22nd, 24th May.
LIEN—CONTRACT FOR WORK TO BE EXECUTED ON GOODS—SUB-CONTRACT—RETAINER BY SUB-CONTRACTOR AGAINST OWNER—EXPRESS AND IMPLIED AUTHORITY.

The owner of a motor car employed X to build a saloon body for his car. X sub-contracted with a firm for this work to be done and was duly paid in full by the owner. After the completion of the work X obtained possession of the car from the firm and re-delivered it to the owner. The car was subsequently sent to the firm for further repairs. On completion of these repairs they sent in their account and claimed to exercise a lien on the car for money so far unpaid by X. The owner then commenced an action against the firm for the re-delivery of the car or its value.

Held, that he was entitled to succeed in the action, as he had given neither express nor implied authority to X to create a lien on the car in favour of the firm.

Witness action. The plaintiff in this action ordered a saloon body for his motor car from a man named Eley, who was to receive £500 for the work done in respect thereof. Eley arranged with the defendants that they should do the work for £377. On the completion of the work Eley removed the car and ultimately delivered it to the plaintiff, who paid to him the sum of £500. Subsequently the plaintiff put the car in the hands of the defendants for further repairs, the cost of which amounted to £45. The defendants in due course sent in their bill for the £45 and also claimed a lien on the car in respect of £377, the amount due to them from Eley. The plaintiff then commenced this action for the return of the car or its value.

MCCARDIE, J., in delivering judgment, said that the question arose whether Eley, who had been paid in full, could create against the plaintiff a lien on the car, or could only create a lien between himself and the defendants. The plaintiff had given no express authority to Eley to deliver the car to any third person for the purpose of building the body. The basic principle of such cases as this was that of implied authority: see *Keene v. Thomas* (1905, 1 K.B. 136). That principle had, it seemed, reached its furthest limits in *Singer Manufacturing Co. v. London & South Western Railway Co.* (1894, 1 Q.B. 833). The general principle was that, *prima facie*, a lien could not be created against a man without his express authority. On the question of implied authority, the decision in *Cassels and Co. and Sassoon & Co. v. Holden Wood Bleaching Co., Ltd.* (84 L.J., K.B. 834) was important, in view of the widespread practice of sub-contracting. In the present case his lordship was of opinion that the plaintiff had given Eley neither express nor implied authority to create a lien in favour of the defendants, nor had any custom of the trade in favour of the defendants been proved. Moreover, even if they might have otherwise had an enforceable lien against the plaintiff, the defendants had in his lordship's view (having regard to the evidence), lost it by voluntarily giving up possession of the car to Eley. He therefore gave judgment in favour of the plaintiff.—COUNSEL: Neilson, K.C., and J. B. Melville; Disturnal, K.C., and R. Storry Deane. SOLICITORS: Charles H. Nash; Lempiere & Hunter.

[Reported by J. L. DENISON, Barrister-at-Law.]

Court of Criminal Appeal.

REX v. CAMELLERI. 22nd May.

CRIMINAL LAW—CHARGE OF GROSS INDECENCY WITH YOUNG MALE PERSON—EVIDENCE—COMPLAINT BY YOUNG MALE PERSON—ADMISSIBILITY OF FACT OF COMPLAINT—ADMISSIBILITY OF PARTICULARS OF COMPLAINT.

On the trial of a person charged with acts of gross indecency with a young male person, evidence is admissible against him of a complaint made by the young male person to his parents, shortly after the alleged offence was committed. Evidence of the particulars of the complaint is also admissible.

Appeal against conviction and sentence. The appellant was indicted at Liverpool Assizes on 25th April, 1922, with having committed an unnatural offence with one Ariett, a boy of thirteen, and with having committed acts of gross indecency with him. He was also charged with having indecently assaulted one Bishop, a boy of fifteen, and with having committed an act of gross indecency with him. During the trial evidence was tendered for the prosecution that immediately after the act complained of, Bishop made a complaint to his parents and of the particulars of that complaint. Counsel for the prisoner objected to its admissibility, contending that evidence of that nature was admissible only in prosecutions for sexual offences against women and girls. Roche, J., admitted the evidence, being of opinion that evidence of a recent complaint made by a young person, namely, under the age of sixteen, was admissible not as evidence of the facts contained in the complaint, but to show consistency of conduct and as tending to corroborate the evidence of the young person. He said he could see no logical ground for distinguishing between the admissibility of such evidence in the case of a complaint by a young male person and in that of a complaint by a female. The evidence in question was accordingly admitted, and the appellant was convicted and was sentenced to five years' penal servitude. He appealed against his conviction and sentence. It was contended that such evidence was wrongly admitted, and it was argued on historical grounds that there was a distinction between complaints made by females and complaints made by male persons. On the other hand, it was suggested that cases of complaints by males might be governed by the decision in *Rez v. Osborne* (1905, 1 K.B. 551).

Lord HEWART, C.J., delivered the judgment of the Court (Lord Hewart, C.J., Greer and Acton, J.J.), dismissing the appeal. His lordship said that the substantial question was whether the fact that the elder boy, Bishop, had made a complaint to his parents shortly after the alleged offence, and whether the particulars of that offence were admissible in evidence in a case of that nature, or, putting the same question in a somewhat different way, whether the principle of *Rez v. Osborne* (1905, 1 K.B. 551) (following *Reg. v. Lillyman*, 1896, 2 Q.B. 167) applied to cases of indecent assault on male persons? Looking at the historical origin of the present law, it was quite true that there were reasons why complaints of such a character might well be thought admissible only when made by females. But in view of the

decision in *Reg. v. Lillyman* (*ubi sup.*), where the question of consent was material, and the case of *Rez v. Osborne* (*ubi sup.*), where no such question arose, it did not appear to the court that at the present day the question of the admissibility of such evidence could any longer depend on the grounds of the historical origin of the admissibility of such evidence in the case of complaints by females. In certain cases, such as *Beatty v. Cullingworth* (1896, 60 J.P. 740), observations were made which appeared to limit the admissibility of that kind of evidence to cases of sexual offences against women and girls; but when the facts of those cases were examined it was apparent that the antithesis which the judges had in mind was not an antithesis between cases in which a complaint of that kind was made by a female and cases where such a complaint was made by a male person, but the antithesis was between what might be broadly described as sexual offences on the one hand and non-sexual offences on the other. The fact emerged that in this country no case had hitherto arisen in which the question whether the mere fact that the complainant was a male person rendered evidence of the complaint inadmissible. In the present case, where the complaint was made by a young boy, the opinion of the court was that such evidence, both of the fact of the complaint and of the particulars of it, was rightly admitted by the learned judge, and the appeal, both against the conviction and against the sentence, must be dismissed. Appeal dismissed.—COUNSEL: *Blackledge* for the appellant; *Woolf* for the Crown. SOLICITORS: *The Registrar of the Court of Criminal Appeal* for the appellant; *The Director of Public Prosecutions* for the Crown.

[Reported by T. W. MORGAN, Barrister-at-Law.]

In Parliament. New Statutes.

On 20th June the Royal Assent was given to—
Audit (Local Authorities, etc.), Act, 1922.
Government of the Sudan Loan (Amendment) Act, 1922.
Law of Property Act, 1922.
Oxford and St. Albans Wine Privileges (Abolition) Act, 1922.
Rugby School Act, 1922.
And to several Provisional Orders and Local Acts.

House of Lords. Bills in Progress.

12th July. National Health Insurance Bill—This Bill, which is the outcome of the Geddes Committee, and is intended to effect economies in expenditure, read a Second time and referred to a Committee of the whole House.

17th July. The Harbours, Docks and Piers (Temporary Increase of Charges Bill, Sale of Tea Bill, and Canals (Continuance of Charging Powers) Bill read a Third time.

18th July. Bread Acts (Amendment) Bill and Ecclesiastical Tithe Rentscharges (Rates) Bill, read a Third time. Unemployment Insurance (No. 2) Bill, read a Second time and committed to a Committee of the whole House.

House of Commons. Questions.

WAR COMPENSATION CLAIMS.

Colonel ROUNDELL (Skipton) asked the Parliamentary Secretary to the Admiralty whether he is aware that large quantities of goods, namely, rum, requisitioned by the Admiralty for the use of the Fleet in the years 1917 and 1918, have not yet been fully paid for, the amount offered by the Admiralty having been decided, first by the High Court, and secondly by the War Compensation Court, to be insufficient; whether, although the principles on which payment for these goods ought to be made were laid down by the War Compensation Court in a case brought for the purpose of determining this question, in which judgment was given on 7th November, 1921, the Admiralty have stated to the representatives of other claimants, exceeding 100 in number, whose cases depend on the same principles, that they do not intend to be bound by the principles so laid down; whether he is aware that the Admiralty have stated that they do not intend to pay interest on these sums due for goods taken over four years ago; and what action he proposes to take in the matter?

Mr. AMERY: Full payment of the amount awarded by the War Compensation Court has been made in the only case in which it has yet been decided by that Court that the amounts previously paid or offered by the Admiralty were insufficient. The Admiralty, after careful inquiry into the facts of the various outstanding claims, have been forced to the conclusion that it is not possible to treat as of general application the conclusions arrived at by the War Compensation Court on the facts given in evidence in that case. The proper course, which has throughout been open to all the claimants, and has been already adopted by some of them, is to apply to the War Compensation Court if they consider themselves entitled to any further payment beyond that which has already been made or offered by the Admiralty. Any claim for interest on such further payment would be a matter for the court. (12th July.)

SOLICITORS' BILL.

Sir F. HALL (Dulwich) asked the Attorney-General whether he is aware that the Solicitors' Bill will adversely affect the position of clerks who are engaged in their duties during the whole day, and that it will be practically impossible for them to conform to the Clause which makes it compulsory for them to attend for a year at a school of law; and if, therefore, he will take steps to delete such Regulation, leaving it incumbent upon the candidate to prove his knowledge of the law by passing a final examination, as at present is the practice?

Sir E. POLLOCK: I am glad to inform the hon. and gallant Member that, after consultation with the representatives of the associations who represent the solicitors' managing clerks, I have agreed to introduce Amendments into the Bill to safeguard their position. The Amendments proposed will remove the difficulties suggested, and have been accepted as satisfactory. (13th July.)

TRIAL BY JURY.

Captain W. BENN (Leith) asked the Attorney-General whether his attention has been called to the remarks made in the Court of Appeal on Friday, 7th July, in the case of *Ford v. Blurton* and *Ford v. Sauber*; and whether the Government intend to introduce legislation to restore the right of trial by jury?

Mr. L. MALONE (Leyton, East) asked the Attorney-General whether his attention has been drawn to the judgment delivered in the Court of Appeal last week in the appeals of *Ford v. Blurton* and *Ford v. Sauber*; whether he is aware that their lordships expressed the opinion that the result of the wording of s. 2 (1) of the Administration of Justice Act, 1920, is to abolish except in certain enumerated cases, the right of the subject to trial by jury; and whether, in view of the importance to the community, especially to the poorer and weaker members, he will forthwith introduce legislation to amend the 1920 Act and restore in full the right of trial by jury?

Mr. FOOT (Bodmin) asked the Prime Minister whether he is aware of the statements made by the Lords Justices of Appeal in the Court of Appeal on 6th July that the effect of the Administration of Justice Act, 1920, is that the British subject is permanently deprived of his right to have Common Law actions tried by a jury; whether he will have regard to the hope expressed by the Lords Justices that the right may be restored; and will he take steps accordingly?

The ATTORNEY-GENERAL (Sir Ernest Pollock): I do not in all respects accept the description given in these questions of the effect either of the Statute or of the judgment of the case referred to. The whole matter is at present under the consideration of the Supreme Court Rule Committee, and will receive the consideration of the Lord Chancellor and myself. The subject is too extensive to permit me to deal with it exhaustively by question and answer. (17th July.)

LEGITIMATION BY MARRIAGE.

Mr. NEVILLE CHAMBERLAIN (Birmingham, Ladywood) asked the Home Secretary when it is proposed to introduce the Bill dealing with the legitimation of children by the subsequent marriage of their parents?

Mr. SHORTT: I regret I am still unable to fix a date, and can only repeat that I will do all I can to secure the introduction of the Bill at the earliest possible date. (18th July.)

Bills Presented.

Post Office (Parcels) Bill—"to amend the Law with respect to the remuneration of railway companies for the conveyance of parcels": Mr. Kellaway. [Bill 197].

Representation of the People (No. 4) Bill—"to amend Section thirty-four of the Representation of the People Act, 1918, as respects offences under that Section committed by bodies of persons": Sir Ernest Pollock. [Bill 198].

War Services Canteens (Disposal of Surplus) Bill—"to make provision with respect to the disposal of sums received in respect of the carrying on and liquidation of the Expeditionary Force Canteens and the Navy and Army Canteen Board": Lieut.-Colonel Stanley. [Bill 199]. (14th July)

Administration of Justice Bill—"to repeal sections two and three of the Administration of Justice Act, 1920": Mr. Macquisten. On leave given. [Bill 202]. (18th July.)

Bills in Progress.

12th July. Unemployment Insurance (No. 2) Bill. Described by the Minister of Labour (Dr. Macnamara) in moving the Second Reading as a Bill to deal with the gaps in unconvanted benefit under the Unemployment Insurance Act of last April. "We have thought it necessary to modify the terms of that Act because of the urgent representation of boards of guardians in the hardy-hit areas. Happily I can make the change, which I will presently describe, without asking for increased contributions from the three parties contributing to the insurance fund—namely, the employers, the people who are in work, and the State, and without increasing my borrowing powers. Of course, the House understands that I am here dealing with one side, and one side only, of our many-sided endeavour to find a remedy and a palliative for unemployment. I cannot here and now discuss the various schemes of relief works now being operated, such as

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70	28	0	49	0	60	1	67	8	77	0	84	0	96	3	116	8	131	3	138	6	145	10
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the effect of the export credits scheme, or the operations of the trade facilities scheme, although each has played and is playing a valuable part in our provision against unemployment." Bill read a Second time, and committed to a Committee of the whole House.

13th July. Unemployment Insurance (No. 2) Bill. Considered in Committee and read a Third time.

14th July. Finance Bill. Motion for Third Reading. Amended for Rejection (Col. Wedgwood) after debate negatived without a division. Bill read a Third time.

New Orders, &c. Statutory Rules and Orders.

THE MATRIMONIAL CAUSES AT ASSIZES ORDER, 1922.

DATED 13TH JULY, 1922.

I, Frederick Viscount Birkenhead, Lord High Chancellor of Great Britain, by virtue of section 1 of the Administration of Justice Act, 1920 (10 & 11 Geo. V, c. 81), and all other powers enabling me in that behalf, do, with the concurrence of the Right Honourable Lord Hewart, Lord Chief Justice of England, and of the Right Honourable Sir Henry Edward Duke, President of the Probate, Divorce and Admiralty Division of the High Court of Justice, hereby order as follows:—

1. The classes of matrimonial causes which, subject to Rules of Court, may be tried and determined by a Commissioner acting under a Commission of Assize shall be—

(a) undefended matrimonial causes, and

(b) causes brought or defended under Part IV of Order XVI of the Rules of the Supreme Court which relate to proceedings by and against Poor Persons.

2. This Order may be cited as the Matrimonial Causes at Assizes Order, 1922.

Dated the 13th day of July, 1922.

Birkenhead, C.

We concur.

Hewart, C.J.

Henry E. Duke, P.

Orders in Council.

THE DENTISTS ACT, 1921.

Whereas it is provided by sub-section (4) of section 1 of the Dentists Act, 1921, that the section shall come into operation on the expiration of one year from the commencement of the Act or on the expiration of such further period not exceeding two years as His Majesty may by Order in Council direct:

Now, therefore, His Majesty, in pursuance of the powers vested in Him by sub-section (4) of section 1 of the Dentists Act, 1921, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to direct, and it is hereby directed that the said section 1 shall come into operation on the 30th day of November, 1922.

[Gazette, 14th July.

Societies.

Gray's Inn.

A dinner, says *The Times*, was given on Monday evening by the Masters of the Bench of Gray's Inn at the Gray's Inn Hall to celebrate the passing of Lord Birkenhead's Law of Property Act. The Treasurer (Master Sir Plunket Barton, K.C.), presided.

Proposing the Lord Chancellor, Lord Justice Warrington said they were met to celebrate the passage of the greatest measure of law reform that had ever obtained the force of law, and to congratulate Lord Birkenhead on his association with this magnificent achievement. Lord Birkenhead was not the draughtsman of the Bill—for that they had to thank the learned conveyancers—but it was doubtful if the measure would have passed into law without delay without the work of Lord Birkenhead. The name of the Lord Chancellor would be associated with the greatest measure of law reform since the early part of the nineteenth century.

The Lord Chancellor said the occasion was one of great importance in his life and in the history of our legal institutions. For a long time, when it seemed to be unlikely that he would be Lord Chancellor or that this office would be one that he would make any endeavour to obtain, because his mind moved on different lines in his public career, he never felt the slightest doubt that if ever it was his good fortune to occupy that exalted position this was one of the reforms which he would attempt to carry out. He recollected that in the first few weeks of his holding the office he discussed with his Permanent Secretary this subject. With the history of the measure would be associated the names of Cairns, Selborne, Halsbury and Haldane. They owed much to the work of Mr. B. L. Cherry and Mr. A. Underhill, who had mastered the whole history of the subject, also to the Solicitor-General—Sir Leslie Scott—who, before his promotion

to that position, had, more than any other common lawyer, mastered this branch of the law. He had also been assisted by Lord Haldane and Lord Buckmaster, and he did not hesitate to say that without the support and co-operation of these two distinguished lawyers, he could not have grappled with the subject. He quite realised that the passage of the Act did not mean the end of their difficulties; these were probably only just beginning. It might be that amending Bills would be needed, but the great point was that the fundamental change had been made, and they had by the Act established some contact with sanity in dealing with land.

Those present included: Lord Lee, Lord Desborough, Sir Hamar Greenwood, K.C., M.P., Sir William Bull, M.P., Lords Justices Younger, Warrington and Atkin, Lord Muir-Mackenzie, Sir Henry Duke, Mr. Justice Salter and Mr. Justice Astbury, Judge Mulligan, the Solicitor-General (Sir Leslie Scott), Sir Charles Longmore, Sir Francis Taylor, K.C., Sir George Lewis, Sir Charles Russell, Sir Claud Schuster, Sir William Middlebrook, M.P., Sir Duncan Kerly, K.C., Sir W. Trower, Sir C. Brickdale, Sir C. Morton, Sir Montagu Sharpe, K.C., Sir W. Ryland Adkins, K.C., Sir Harold Smith, M.P., Sir James Greig, K.C., M.P., Mr. A. C. Peake (President, Law Society), Mr. J. J. D. Botterell, and Mr. D. W. Douthwaite (Under-Treasurer).

The Council of Legal Education.

THE LAW OF PROPERTY ACT, 1922.

The Council of Legal Education announce that they have arranged with Mr. Arthur Underhill, LL.D., for a special course of lectures on the Law of Property Act, 1922, to be delivered by him at Lincoln's Inn next term. The lectures will be given in the evening on Mondays in November during the Michaelmas Dining Term.

Solicitors' Benevolent Association.

The Monthly Meeting of the Directors was held at the Law Society's Hall, Chancery-lane, on the 13th inst., Sir Norman Hill, Bart., in the chair. The other Directors present were Messrs. E. R. Cook, W. F. Cunliffe, T. S. Curtis, E. F. Dant, W. E. Gillett, E. F. Knapp-Fisher, E. B. Knight, C. S. May, R. W. Poole, J. F. Rowlatt, and M. A. Tweedie. £1,020 was distributed in grants to deserving cases; six new members were admitted, and other general business transacted.

Lord Birkenhead announced in a speech to the Australian and New Zealand Luncheon Club on Wednesday that he proposed to pay a visit to Australia. It appears, however, that the date of the Lord Chancellor's visit is indefinite, for, in answer to the question as to when he contemplated making the trip, he replied: "When I cease to be Lord Chancellor!"

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Forms of Proposal and full information can be obtained at the Society's Office.

G. H. MAYNE, Secretary.

Lumley's Public Health.

Nearly eight years have elapsed since the publication of the last edition of *Lumley's Public Health*. During this period some forty-three Statutes have been passed affecting the subject, and this demonstrates forcibly the need for a new edition. A correspondingly large number of cases have also been decided affecting the Law of Public Health. A new edition is on the point of publication and this is to be published in two volumes, Volume I being issued first in order that practitioners and local authorities may have the aid of the first volume as soon as possible. In view of legislation which it is generally understood is in contemplation in regard to the Housing Acts, those Acts have been omitted from Volume I. They will, however, be included in Volume II, the publication of which will be kept back until the proposals of the Government with respect to their consolidation or amendment is definitely known.

Law Students' Journal.

The Law Society.

FINAL EXAMINATION.

HONOURS—JUNE, 1922.

The names of the Solicitors to whom the Candidates served under Articles of Clerkship follow the name of the Candidates.

At the Final Examination of Candidates for Admission on the Roll of Solicitors of the Supreme Court, the Examination Committee recommended the following as being entitled to Honorary Distinction:—

SECOND CLASS.

Stanley Joseph Harvey, LL.B., London (Mr. William Stunt, of the firm of Messrs. Stunt & Son, of London and Chelmsford).

Darrell Musker (Mr. Leonard Rawlinson, of Leamington Spa, and Mr. Henry Musker, of the firm of Messrs. Williams & Musker, of Broadstairs).

Albert Peace (Mr. Joseph Henry Wilman, of Batley).

Harold Swann (Mr. Abram Cory Allibone, of Wakefield).

Joseph Lewis Walters (Mr. Gwilym Jones, of Mountain Ash).

THIRD CLASS.

Harold Ayrey (Mr. John Douglas Ritchie, of Burnley).

Arthur William Keith Brackett, B.A., LL.B., Cantab. (Mr. Sydney Charles Menneer, LL.D., of the firm of Messrs. Menneer & Idle, of St. Leonards-on-Sea).

Leslie John Daniel Bunker, LL.B., London (Mr. Bertie Bunker, of Hove).

Arthur Henry Walter Byrnes (Mr. Walter James Sloan, of the firm of Messrs. Burges & Sloan, of Bristol, and Messrs. Guscotte, Wadham, Tickell and Thurland, of London).

Ralph Edgar Costello (Mr. Henry Clarkson and Mr. Arthur George Clarkson, both of London).

Richard Rutter Crute (Mr. Richard Rutter Crute (Senior), of Sunderland).

Henry Francis Clappé Donnell (Mr. Hugh Pybus, of the firm of Gibson, Pybus & Pybus, of Newcastle-upon-Tyne).

Bernard Arthur Elliman, LL.B., London (Mr. Robert Chancellor Nesbitt, of the firm of Messrs. Markby, Stewart and Wadesons, of London).

Ivan Kenneth Fraser (Mr. Robert Stevens Fraser, of London).

Norman Goodyear (Mr. Albert Deards Mason, of Barnsley).

Lawrence Montague Harris (Mr. John William Trenfield, of Chipping Sodbury, and Mr. George Albert Bannerman Montague, of the firm of Messrs. Latchams & Montague, of Bristol).

John William Kennard (Mr. James Turner Weldon, Mr. John Creery, and Mr. John Henry Gill, of the firm of Messrs. Hallett, Creery & Co., of Ashford, Kent).

David Peters Oliver (Mr. Aneurin Arthur Rees, of Liverpool).

Simoon John Rendell (Mr. Percy Ernest Russell, of the firm of Messrs. John Hodge & Co., of Weston-super-Mare).

Stanley Saul Spurling (Mr. Arthur Samuel Joseph, of London).

Herbert Gordon Taylor (Mr. Robert Percy Marchant, of Mansfield).

Ernest Arthur Stanley Tibbles (Mr. John Henry Nicholas Armstrong, of the firm of Messrs. Sandilands & Co., of London).

Charles Kenneth James Underhill, B.A., Oxon. (Mr. Cecil Robert Coward, of the firm of Messrs. Coward & Hawksley, Sons & Chance, of London).

Richard Alan Ellison Voysey (Mr. Guy Cyril Bantoft, of Ipswich, and Messrs. Morris & Bristow, of London).

Raymond John Watts, B.A., LL.B., Cantab. (Mr. Edwin Watts, of the firm of Messrs. Lawrence & Co., of Bristol).

The Council of The Law Society have awarded the following Prizes of Books:—

To Mr. Kennard: The John Mackrell Prize, value about £13.

The Council have given Class Certificates to the Candidates in the Second and Third Classes.

One hundred and eighty-nine Candidates gave notice for Examination.

By Order of the Council,

E. R. COOK,
Secretary.

Law Society's Hall, Chancery Lane, London, W.C.

14th July, 1922.

FINAL EXAMINATION.

The following Candidates (whose names are in alphabetical order) were successful at the Final Examination held on 26th and 27th June, 1922.

Annear, Frank Foster	Harvey, Stanley Joseph, LL.B.
Ashton, Thomas Mason	(London)
Ashworth, William	Heap, Walter
Atkinson, Herbert	Heaven, John William Gyde
Auty, Stanley Critchley	Henry, William
Ayrey, Harold	Heya, John
Baker, Edward Thomas Lovell,	Hill, Frederick George
B.A. (Cantab.)	Hodgkinson, John, B.A. (Oxon.)
Barfield, Edward Charles George	Hole, Henry Arthur
Beech, Ernest Bolitho	Hope, James Kenneth
Bonniface, Bertram Harry	Hull, Gilbert Edmund
Boodle, Wilfred Andrew Carmichael,	Ingledeu, Hamilton Murray
B.A. (Oxon.)	Ingram, Robert Stuart Skinner,
Boyes, Archibald Frederick Charles	B.A., LL.B. (Cantab.)
Brackett, Arthur William Keith,	Jackson, John William
B.A., LL.B. (Cantab.)	Jones, John William
Bratt, Eric Victor	Jones, Kenneth Leslie
Brownson, George Stephen, M.A.,	Jones, Thomas Norman
LL.B. (Cantab.)	Jones, William
Budge, John Stuart	Kay, William Arthur, LL.B. (Leeds)
Bunker, Leslie John Daniel, LL.B.	Kelway, George Trevor
(London)	Kennard, John William
Butcher, George Weatherhead Kay	Knowles, Edgar Lawton
Byrnes, Arthur Henry Walter	Lansdell, Frederick Charles
Carter, Henry Gordon, M.A. (Cantab.)	Lawrence, Leslie Rosier
Cash, John	Lawson, Henry Brailsford, B.A.,
Clarke, Richard William Bunney	LL.B. (Cantab.)
Crawford	Lec, William
Clarkson, Ernest Walton	Lemon, Mark
Coleman, George Frederick	Leslie, Alexander Addis
Coleman, Walter Robert Granville	Leslie, Ivor Morgan
Cook, Abraham Hartley	Lewis, Lewis William
Costello, Ralph Edgar	Lillie, Arthur Patrick
Cowen, Myer Henry	Longmore, John Alexander
Crane, Reginald	McCallum, Duncan
Crute, Richard Rutter	McCarthy, John George
Culwick, Arthur	McMurphy, James
Darling, Claude Cheasher, B.A.	Manaton, Arthur John
(Cantab.)	Marsden, Briggs Holden
Dawbarn, John Raymond	Mawson, Horace Wills
Denborthorne, Richard	Minshull, George Botterell
Donnell, Henry Francis Clappé	Moir, Kenneth Macrae, B.A.
Driver, Arthur John	(Cantab.)
Ede, Max Crutchley, B.A., LL.B.	Moses, Eric Watts
(Cantab.)	Murray, Gordon
Edwards, Harry Melville	Musker, Darrell
Eldridge, Russel Burnett	Napthen, Edwin
Elliman, Bernard Arthur, LL.B.	Needham, Thomas Marshall
(London)	Newland, Gilbert Frank
Elliott, John Edwin	Nowell, Thomas Broughton
Feather, Norman	Oliver, David Peters
Flegg, James George Martin	Pain, Harold Edmund
Foster, Joseph Thomasin	Parke, James Cecil, B.A., LL.B.
Fowler, Thomas	(Dublin)
Francis, William James	Parker, Harry
Fraser, Ivan Kenneth	Parsons, Joseph
Fraser, John Hermann	Patrick, Geoffrey
Freeman, Henry, M.A. (Cantab.)	Peace, Albert
Frost, Alfred	Peters, Austin Joseph, B.A.
Goodfellow, Alan	(Cantab.)
Goodyear, Norman	Pettefar, George
Goulding, Walter Haworth	Phelps, Hubert Meadows Pellow,
Greaves, Arthur	B.A. (Cantab.)
Greenwood, Herbert George	Pigot, William Gordon
Gregory, Albert Victor	Pratt, Geoffrey Cheesbrough, B.A.,
Greig, John Yeatman, B.A. (Oxon.)	LL.B. (Cantab.)
Haley, Thornton	Prichard, James
Hall, Geoffrey Hugh	Randall, Harry Kneller
Harris, Lawrence Montague	Read, Eric, B.A. (Cantab.)

Ipswich, and
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Bendall, Simeon John
Reynard, Henry
Roberts, Algernon Cassan
Rogers, Philip Morton
Rogers, Tom Percival
Rose, Philip William
Rowbotham, Baltimore
Rutter, Joseph John Burchett
Sanders, Colin Wilkinson
Sandford, Victor Henry, B.A. (Oxon.)
Sherwood, Albert Edward Victor
Short, William Percy, B.A. (Oxon.)
Simey, William Spensley, B.A. (Oxon.)
Simpson, Maurice Rowton
Smale, John Guard Kingford
Smallman, Percy
Smith, Francis Morton, B.A. (Oxon.)
Smith, Thomas Bernard
Spurling, Stanley Saul
Strickland, Walter Claud
Swann, Harold
Swayne, Roderic
Swinburne, Hugh Leslie

No. of Candidates, 189; passed 163.

By Order of the Council,
E. R. COOK, Secretary.

Law Society's Hall, Chancery Lane, London, W.C.2.
14th July, 1922.

INTERMEDIATE EXAMINATION.

The following Candidates (whose names are in alphabetical order) were successful at the Intermediate Examination held on 28th and 29th June, 1922.

A Candidate is not obliged to take both parts of the Examination at the same time.

FIRST CLASS.

Bann, Harry
Christophers, Francis Theodore
Douglas, Francis Campbell Ross,
M.A. (Glasgow)
Holford, George Frederick
Kimber, William Alexander, B.A. (Oxon.)

Page, Noël
Pilkington, Reginald
Pugsley, William Follett
Taylor, Gillian
Withers, Fred

PASSED.

Barnes, Walter
Barrington, John Hugh
Bickle, Horace William
Cannon, Kingsley Perks
Casserley, Harold Francis
Coldham, Albert Sydney
Debenham, Horace Corner
Elliott, John
Fournier, Albert Edward
Goundry, John Mortimer
Griffith, Hubert Geoffrey
Hamer, Thomas
Harding, William Lionel Victor
Headley, Arthur Henry
Higgs, Joseph Howard
Hopwood, Thomas
Hoyland, Albert Ernest Isidore
Jackson, Harold
Jones, Humphrey Charles Vaughan
Kristant, John Fish

Leader, Kenneth Rutherglen
McDonnell, Henry
Morton, Cuthbert
Musker, Ronald
Panter, William Joseph
Pick, Maurice Edward
Pinhorn, Malcolm Herbert
Pott, Harold
Reed, Edward Ingram
Robson, Hubert Peter
Scholefield, Charles Edward
Simons, Sydney Clifford
Snell, Arthur Lawrence
Taylor, Harold Mayer
Thompson, Gerald Conrad
Waldron, Arthur Deane
Walton, Cyril Thompson
Warne, William Henry
Williams, Archibald

THE FOLLOWING CANDIDATES HAVE PASSED THE LEGAL PORTION ONLY.

Alexander, Stanley
Baker, Philip Howard Horton
Banham, Cecil Francis William
Bell, Frederick Webster
Blincowe, Frederick William
Bolt, Charles Edward
Bradbury, Charles Edward
Bridgwater, Basil
Brown, Denis
Brown, Herbert Sydney
Browne, Arthur John Ernest
Buxton, Francis Henry White
Capes, Frank Hawksley
Clark, Harold Dixon
Cogger, Henry
Collinge, Harry Horsman
Cooke, Edgar Alfred Abbott
Cooper, Frederick William
Corlett, Norman Bremner
Crutwell, Cecil Godfrey
Davey, Leonard Godfrey

Duffell, Norman Haynes
Dunkerley, Frank
Edney, John Marsam
Elston, Roland Percival
Evans, Ivor
Godwin, Gerald Noel
Griffin, Leslie John
Hancock, Wilfred
Hardwick, George Harold James
Heron, Cyril Ormerod
Hatfield-Green, Leslie Morris
Haymes, John
Hind, Herbert Russell
Hogg, William Alderson
Holdich, Reginald White
Horsley, Alan Raymond
Hunt, Henry Holman Leslie
Jackson, Edward Donaldson
Johnson, George Burlingham
King-Wilkinson, Leonard Creswell
Large, William Edward Agg

Levett, Donovan Rupert Horace
Lightfoot, Ernest Eldon
McManus, Edward Louis Gerard
Medlicott, Frank
Miln, Alan Maxwell
Morgan, Dorothy Mary Williams
Morgan, Ronald Ernest Gooch
Nixon, Stanley
Osborne, Cecil Bernard
Owen, Thomas Joseph
Parkes, Eric William
Perry, Richard Godfrey
Phillips, Geoffrey Moreton
Rawlence, Alma du Hamel
Richmond, Anthony Walter
Robertson, Bernard
Roddie, Keith Mitchell
Rutherford, William
Scorer, Edward Veitch Atherton

No. of Candidates, 227; passed, 129.

THE FOLLOWING CANDIDATES HAVE PASSED THE TRUST ACCOUNTS AND BOOK-KEEPING PORTION ONLY.

Andrews, Henry Richard
Annear, Frank Foster
Armstrong, William Robert
Aston, James Herbert
Atkin, William Oliver
Atkinson, John
Attenborough, Bernard
Bancroft, Leonard Guy
Barlow, Robert Henry
Barnes, Ernest
Barnes, Sidney Herbert
Baynes, Reginald Frederick
Bentley, Reginald Louis Richard
Betts, William Henry
Borer, John Bray
Brett, Ronald Dallas
Bucknill, John Birch
Bullock, Harry Godding
Carrington, Philip St. John
Chalmers-Hunt, Cyril Leonard
Chatterton, Henry Saxton
Clemons, Harold Savigny, B.A. (Oxon.)
Cole, Frank Edward
Coleman, Stanley John William
Montague
Collier, George Kitching
Cousin, Arthur
Dabbs, Reginald Herbert
Davies, George Edward, LL.B. (Wales)
Davies, Howard George Picton
Douglass, James Heger Wingfield
Edelston, Roger Heathcott
Elliott, Albert Edward
Elmhirst, John
Ensor, William Alexander
Evans, Maurice Victor
Evans, Norman Harrison
Fewster, Joseph Innes
Glendinning, Thomas
Goldsmith, Joel Themans
Goodger, Charles John Swainston
Gorst, Gerald Thomas
Gough, Ernest William
Greaves, Edwin Richard
Griffiths, Harold Wilson
Hampton, Gerald Samuel
Hawker, Manley Livingston
Hazelgrove, Henry George
Helder, George Augustus Lewis
Hett, Geoffrey Bruce
Hickey, John Sheridan, B.A. (Oxon.)
Holland, Charles Ellis
Holland, Charles Thomas
Hoole, Arthur Neville
Humphries, Christopher Munro, B.A. (Oxon.)
Hutcheson, James Hugh, B.A. (Oxon.)
Jackson, Harry
James, William Gilbert

No. of Candidates, 227; passed, 162.

By Order of the Council,
E. R. COOK, Secretary.

Law Society's Hall, Chancery Lane, London, W.C.2.
14th July, 1922.

Scott, George Hamilton
Scott, Walter
Sharples, John
Simons, Edward Wolff
Slack, Norman Wade
Taylor, Charles Hamlyn
Thomson, Knowles Archer
Tibbitts, John Harman
Tietjen, Catherine Charlotte
Turner, Lewis Durrant
Veale, Frederick John Partington
Venables, Lionel Aubery
Venn, Francis Dudley
Walsh, Ernest Crawshaw
Wilkinson, Bernard
Willan, John Johnson
Wilson, Edward Geoffrey
Withers, Alan Alfred
Woolcombe, Richard Jocelyn

Jones, David John
Jones, Edward George Arnold, B.A. (Oxon.)
Lanyon, Henry Hugh
Lewis, Cyril Jack
Lewis, Ivor Morgan
Lias, Frederick William
McGahey, Robert James
McKeag, William
Maith, Albert Edward
Manwaring, Leonard
Maplesden, Arnold Keith
Marlow, Oliver Lambert, B.A. (Oxon.)

Mayo, Henry
Meredith, John Henry Mervyn, B.A. (Oxon.)
Meredith, William Martin
Morgan, William Rowland
Morris, Lionel Philip
Morrison, Carrie
Nathan, Justin
Norbury, Vernon
Oliver, William Cyril
Owen, William Dudley
Page, Archibald Henry
Pearcy, Alfred Brooksbank
Perkins, William Robert
Phillips, Thomas Martin, B.A., LL.B. (Cantab.)
Randall, Kenneth Collard
Robins, Edwin
Robinson, Walter Darby
Rogers, Edward Andrew Stanley
Russell, Harry John
Sager, William Maurice Eastwood
Seville, Hedley Arthur
Seward, Frank
Shaw, Gilbert Everts
Shaw, John Eric
Shepherd, Cecil James
Slater, Stewart Beattie, B.A., LL.B. (Cantab.)

Smallshaw, Frederick
Smith, Roland Winn, B.A. (Oxon.)
Sprinz, Frank Reginald
Spyer, Gerald Douglas
Still, Harry Albert
Stredwick, George
Stubbs, Aymere Albert Fletcher
Sylvester, John William
Thomas, Kenneth Peter David, B.A., LL.B. (Cantab.)
Tibbitts, Charles John, B.A. (Oxon.)
Vale, Eustace Douglas
Warwick, Douglas Clifford
Weir, Percival Charles Cooper
Wheeler, Kenneth Hele
White, George Symmons
Wilson, Henry
Wollen, Ernest Russell Storey
Wright, Frank

Obituary.

Mr. W. C. Renshaw, K.C.

We regret to record the death of Mr. Walter Charles Renshaw, K.C., last Sunday night, at his residence, Sandrocks, Hayward's Heath.

Mr. Renshaw, who was in his 82nd year, will be better remembered by the older generation of lawyers, but his career was a distinguished one. Coming of a legal stock (his father was the late Thomas Charles Renshaw, Q.C.), Mr. Renshaw was educated at Trinity Hall, Cambridge (LL.M., 1868), was called to the Bar in 1864, and became, as his father had been, a Bench of Lincoln's Inn in 1890. He practised on the Chancery side, and, in addition to his own practice, was for many years a member of the Council of Law Reporting, and of the Bar Committee, and for some years served on the Supreme Court Rule Committee. He was in his later years a Justice of the Peace for Sussex, and a member of the Baronetage Committee.

Outside his profession Mr. Renshaw achieved a reputation as an archaeologist; he was a past-president of the Selden Society, and remained a member of the Council till his death. He was also chairman of the Council of the Sussex Archaeological Society and the Sussex Record Society. Genealogy was his especial study, and he contributed several articles on that subject to archaeological papers. In his younger days Mr. Renshaw was fond of outdoor sports, more especially cricket, rowing, and shooting. He married, in 1870, Elizabeth, daughter of the late John W. Wilson, of Elsbrook, Holland, and leaves one daughter.

Legal News.

Business Announcement.

Messrs. SIMMONS & SIMMONS have removed to temporary offices at 85, Gracechurch Street during the rebuilding of their offices in Finch Lane, Cornhill.

General.

Mr. Taft left Liverpool last Saturday week in the *Canopic* for Canada, after his three weeks' stay in England, studying legal and judicial procedure here. In conversation after going on board he said that his visit was the most

delightful one of his life. "My affection and admiration for England and the English stand as firm as ever," he added. The Bar and Bench had received him like a brother. The information he had received would be useful in making recommendations for the changes of procedure in United States law courts. He had certainly got something of value.

The following presentment, which was handed on Tuesday to the Recorder by the foreman of the Grand Jury at the Central Criminal Court, was read on Wednesday:—"I have been asked by the gentlemen of the Grand Jury to express their appreciation of the conduct of the police at the arrest of the two prisoners charged with the murder of Sir Henry Wilson. They feel that their conduct in unflinchingly facing almost certain death in the performance of their duties is worthy of the highest praise and commendation. They also wish to express their appreciation of the conduct of the civilians concerned in the case." The Recorder expressed his concurrence in the presentment, which he directed to be communicated to the proper authorities.

Court Papers.

Supreme Court, England.

ROTA OF REGISTRARS IN ATTENDANCE ON			
EMERGENCY ROTA.		APPEAL COURT No. 1.	Mr. Justice ROBERTS.
Date.	Mr. Justice SARGANT.	Mr. Justice ASHURST.	Mr. Justice GARRETT.
Monday July 24	Mr. More	Mr. Jolly	Mr. Synges
Tuesday 25	More	Jolly	Garrett
Wednesday 26	Synges	Jolly	Garrett
Thursday 27	Garrett	More	Synges
Friday 28	Bloxam	Synges	Garrett
Saturday 29	Hicks Beach	Garrett	Synges

VALUATIONS FOR INSURANCE.—It is very essential that all Policy Holders should have a detailed valuation of their effects. Property is generally very inadequately insured, and in case of loss insurers suffer accordingly. **DEBENHAM STORR & SONS (LIMITED)**, 26, King Street, Covent Garden, W.C.2, the well-known chattel valuers and auctioneers (established over 100 years), have a staff of expert Valuers, and will be glad to advise those desiring valuations for any purpose. Jewels, plate, furs, furniture, works of art, bric-a-brac a speciality. —[ADVT.]

Winding-up Notices.

JOINT STOCK COMPANIES.

LIMITED BY CHARTER.

CREDITORS MUST SEND IN THEIR CLAIMS TO THE LIQUIDATOR AS NAMED ON OR BEFORE THE DATE MENTIONED.

London Gazette.—FRIDAY, July 14.

RENBRAS MANUFACTURING CO. LTD. Aug. 26. John Stewart Smith, 36, Spring-gardens, Manchester.
THE SPRING GARDENS CHEMICAL CO. LTD. Aug. 14. Law Netherwood, New-st., Huddersfield.
THE SHEPHELD CAFE CO. LTD. Sept. 12. Charles Simpson, 6, Fictoria-lane, Sheffield.
TRANKEUS & CO. LTD. Sept. 4. Leonard A. Reddall, 1, Guildhall-chambers, E.C.2.
FRENCH INTERNATIONAL COLD TRANSPORT & STORAGE CO. LTD. Aug. 15. Frederick S. Salaman, 1 & 2, Bucklersbury.
ECONOMIC BUILDING CORPORATION LTD. Aug. 14. S. B. Johnson, 38, Smithfield-st., Liverpool.

Resolutions for Winding-up Voluntarily.

London Gazette.—FRIDAY, July 14.

Masta Steel Works Ltd.
The Hesleyside Colliery Co. Ltd.
British-American Sulphur Co. Ltd.
S. Hawkins Brothers Ltd.
The Cocksheds Colliery Co. Ltd.
Aberdare Cinemas Ltd.
J. T. Sherman & Co. Ltd.
Nasco Ltd.
Robt. A. Thacker & Co. Ltd.
Albion Press (Clayton-le-Moors) Ltd.
Wallasey Central Conservative Club Ltd.
The Monkshaven Fishing Co. Ltd.
Perfection Pictures Ltd.
Sam Heard Ltd.
H. S. White & Co. Ltd.
The Princes Engineering Co. Ltd.
Knowles Oxygen Co. Ltd.
Sunderland & District Catering Co. Ltd.
The Swansea Automatic Co. Ltd.
J. Honeychurch & Son Ltd.
D. D. Underwood Ltd.
Thomas Braithwaite & Co. (Bacup) Ltd.

Bankruptcy Notices.

RECEIVING ORDERS.

London Gazette.—FRIDAY, July 14.

AKERMAN, JOHN J., Maesteg, Glam., Licensed Victualler. Cardiff. Pet. July 12. Ord. July 12.
APOSTOLIDES, CHRISTOPH, Mark-lane, E.C., Merchant. High Court. Pet. June 14. Ord. July 11.
BAKER, E., Manchester, Baker. Manchester. Pet. June 15. Ord. July 12.
BARROW, LANCELOT T., Lancaster, Agent. Preston. Pet. June 20. Ord. July 11.
BATE, ALFRED E., Blackpool, Confectioner. Nottingham. Pet. July 12. Ord. July 12.
BELL, LOUIS M., Faversham, Engineer. Canterbury. Pet. July 12. Ord. July 12.
BISHOP, THOMAS, and BISHOP, ELIZA, Scarborough, Bakers and Confectioners. Scarborough. Pet. July 11. Ord. July 11.
BOTTOMLEY, HORATIO, M.P., 26, King-st., St. James's. High Court. Pet. April 6. Ord. July 11.
BOYCE, CHARLES W., Leytonstone. High Court. Pet. July 10. Ord. July 10.
BRESLER, ISAAC, Newington-causeway, Glove Manufacturer and Cloth Dealer. High Court. Pet. May 19. Ord. July 11.
BURT, HARRY J., Pensonby-terrace, Charsabanc Proprietor. High Court. Pet. June 20. Ord. July 10.
CAMMELL, ROBERT, New North-road, N., Box Maker. High Court. Pet. June 12. Ord. July 7.
CAPPER, HENRY, Smeifeld, Fruiterer. Sheffield. Pet. July 12. Ord. July 12.
CARRERAS, A. and E., King-street, W.C., Tooth Paste Manufacturers. High Court. Pet. May 19. Ord. July 11.
CHADWICK, CHRISTIANA, Oldham, Cotton Doubler. Oldham. Pet. June 23. Ord. July 10.
CLARK, GEORGE, Sydenham. High Court. Pet. May 12. Ord. July 12.
COURTENAY, WILLIAM, Sanctuary-bldgs., Westminster. High Court. Pet. March 31. Ord. July 11.
CURTIS, L., Stratford, Boot Dealer. High Court. Pet. June 20. Ord. July 10.
DAY, JOHN, R., Blackheath, Staffs, Fruiterer. Dudley. Pet. July 11. Ord. July 11.
DIXON, JOHN H., Foulridge, near Colne, Warp Dresser. Burnley. Pet. June 27. Ord. July 7.
EOKATON, JAMES, Clerkenwell, Bacon Importer, etc. High Court. Pet. June 20. Ord. July 10.
FELTHAM, WILLIAM E., Brimsington, Bristol, Hauliers. Bristol. Pet. July 10. Ord. July 10.
GES, G. S., Oxford-st. High Court. Pet. May 15. Ord. July 12.
GILES, GEORGE W., Warrington, Shoe Dealer and Repairer. Warrington. Pet. July 10. Ord. July 10.
GREULING, FRED, Elgin-Avenue, Malda Vale, Wine Merchant. High Court. Pet. Feb. 23. Ord. July 12.

HALES, HENRY F., Coventry. Coventry. Pet. July 12. Ord. July 12.
HARRISON, WILLIAM E., Swansea, Corn Merchant. Swansea. Pet. July 10. Ord. July 10.
HASSAN, MAURICE, Shaftesbury-avenue, Costume and Mantle Manufacturer. High Court. Pet. June 10. Ord. July 12.
HODKIN, ERNEST, Sheffield, Coal Merchant. Sheffield. Pet. July 10. Ord. July 10.
HUGHES, PETER, W., Meliden, Flint, Farmer. Bangor. Pet. July 8. Ord. July 8.
HUKIN, CYRIL, Sheffield, Journeyman Motor Engineer. Sheffield. Pet. July 8. Ord. July 8.
JONES, JOHN, Gwaenafangor, Anglesey, Farmer. Bangor. Pet. July 12. Ord. July 12.
JONES, JOHN W., Aberystwyth, Coal Merchant. Aberystwyth. Pet. July 8. Ord. July 8.
LEWIS, ISAAC, New Broad-st., Merchant. High Court. Pet. April 21. Ord. July 12.
LESTER, CHARLES, and LESTER, WILLIAM, Uttoxeter, Oil Merchants, Burton-on-Trent. Pet. July 11. Ord. July 11.
MCGLYNN, EDWARD, Manchester, Boot and Shoe Dealer. Manchester. Pet. July 11. Ord. July 11.
MEADE, CECIL B., Pewsey, Wilts, Carrier. Bath. Pet. July 11. Ord. July 11.
NIGHTINGALE, ALFRED, C., Brockley, Boot Dealer. Greenwich. Pet. May 16. Ord. July 11.
PAUL, WALTER, Doncaster, Grocer and Confectioner. Sheffield. Pet. July 10. Ord. July 10.
RAWSON, WILLIAM, Birstwith, Horse Slaughterer. Harrogate. Pet. July 11. Ord. July 11.
ROAN, WILLIAM, Bury, Wheelwright. Bolton. Pet. July 10. Ord. July 10.
ROBINSON, LEWIS, MATTHEWS, WILLIAM T. and MATTHEWS, ANNIE, Lightwoods, near Market Drayton, Farmers. Nantwich. Pet. July 10. Ord. July 10.
ROBES, CHARLES, Blackpool, Ledged Light Manufacturers. Blackpool. Pet. June 23. Ord. July 7.
SETTERFIELD, HENRY W., Minster, Coal Merchant. Canterbury. Pet. July 10. Ord. July 10.
SEYMOUR, WILLIAM J. A., Folkestone, Motor Engineer's Clerk. Canterbury. Pet. July 10. Ord. July 10.
SIDEBOTTOM, CLARENCE A., Dukinfield, Chester, Merchant. Blackpool. Pet. July 8. Ord. July 8.
SETH, JAMES, Treosbury, Wholesale Fruiterer. Pontypriid. Pet. July 12. Ord. July 12.
STANT, MAUDE E., Ullesthorpe, Leicester, Cafe Proprietor. Leicester. Pet. July 12. Ord. July 12.
STONE, B., Manchester, Ladies' Outfitter. Manchester. Pet. June 13. Ord. July 10.
SWEATLAND, ELI, Branksome, Haulier and Coal Merchant. Poole. Pet. July 11. Ord. July 11.
TRENFIELD, R. BLAIR, Chipping Sodbury, near Bristol, Solicitor. Bristol. Pet. May 24. Ord. July 12.
WATSON, JOHN, Sunderland, Gentlemen's Outfitter. Sunderland. Pet. July 11. Ord. July 11.
WELSH, JONATHAN, and WELSH, WILLIAM, Bolton, Coal Merchants. Bolton. Pet. July 11. Ord. July 11.

EVIDENCE

on behalf of Christianity is provided by the
CHRISTIAN EVIDENCE SOCIETY
33 and 34, Craven Street, W.C.2.

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